

EXHIBIT D

EXHIBIT

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1 IN THE UNITED STATES DISTRICT COURT
 2 FOR THE MIDDLE DISTRICT OF ALABAMA
 3 NORTHERN DIVISION

4 ELIZABETH HORTON,

5 Plaintiff,

6 vs. CASE NUMBER
 2:06cv-526-MHT-TFM

7 DON WILLIAMS, individually and in his
 8 capacity as the Manager of National
 9 Seating and Mobility, Inc., NATIONAL
 10 SEATING AND MOBILITY, INC., GERALD
 11 SHOCKLEY, individually and in his
 12 capacity of a special agent of the
 13 Alabama Attorney General's Office,

14 Defendants.

15 * * * * *

16 DEPOSITION OF ANTHONY L. GREEN,
 17 taken pursuant to stipulation and
 18 agreement before Barbara A. Howell, CCR,
 19 Commissioner for the State of Alabama at
 20 Large, ACCR No. 123, in the Bradley,
 21 Arant, Rose & White Conference Room,
 22 401 Adams Avenue, Room 712, Montgomery,
 23 Alabama, on Wednesday, January 30, 2008,
 commencing at approximately 9:05 a.m.

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1 APPEARANCES

2 FOR THE PLAINTIFF:

3 Ms. Deborah M. Nickson
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 10 105 Tallapoosa Street, Suite 200
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12 FOR DEFENDANT NATIONAL SEATING &
 13 MOBILITY:

14 Mr. Charles A. Stewart, III
 15 BRADLEY, ARANT, ROSE & WHITE
 16 401 Adams Avenue, Suite 780
 17 Montgomery, Alabama 36104

18 FOR DEFENDANT GERALD SHOCKLEY:

19 Mr. Jack Wallace, Jr.
 20 OFFICE OF THE ATTORNEY GENERAL
 21 State of Alabama
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 23 Montgomery, Alabama 36130

FOR THE ALABAMA MEDICAID AGENCY:

Ms. Tammy Hudson
 ALABAMA MEDICAID AGENCY
 501 Dexter Avenue
 Montgomery, Alabama 36104

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1 STIPULATIONS

2 It is hereby stipulated and agreed
 3 by and between counsel representing the
 4 parties that the deposition of
 5 ANTHONY L. GREEN is taken pursuant to
 6 the Federal Rules of Civil Procedure and
 7 that said deposition may be taken before
 8 Barbara A. Howell, Court Reporter and
 9 Commissioner for the State of Alabama at
 10 Large, without the formality of a
 11 commission; that objections to questions
 12 other than objections as to the form of
 13 the questions need not be made at this
 14 time but may be reserved for a ruling at
 15 such time as the deposition may be
 16 offered in evidence or used for any
 17 other purpose as provided for by the
 18 Federal Rules of Civil Procedure.

19 It is further stipulated and agreed
 20 by and between counsel representing the
 21 parties in this case that said
 22 deposition may be introduced at the
 23 trial of this case or used in any manner

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1 by either party hereto provided for by	1 MR. STEWART: Object to
2 the Federal Rules of Civil Procedure.	2 form.
3	3 MR. WALKER: Same objection.
4 * * * * *	4 Q. You can answer.
5	5 A. Yes, I did.
6 ANTHONY L. GREEN	6 Q. And first let me ask you, you said you
7 The witness, having first been duly	7 are a special investigator. And with
8 sworn or affirmed to speak the truth,	8 what division?
9 the whole truth, and nothing but the	9 A. Alabama Medicaid Agency.
10 truth, testified as follows:	10 Q. How long have you been with the
11 THE REPORTER: Usual federal	11 Medicaid Agency?
12 stipulations?	12 A. Approximately two and a half years.
13 MS. NICKSON: Yes.	13 Q. Two and a half years?
14 MR. WALKER: Yes.	14 A. Yes, ma'am.
15 EXAMINATION	15 Q. And what did you do prior to that?
16 BY MS. NICKSON:	16 A. Prior to that, I worked for the
17 Q. Would you state your name for the	17 Veterans Administration as a police
18 record.	18 officer. I was lieutenant of
19 A. I'm Special Investigator Anthony L.	19 operations for Tuskegee University
20 Green.	20 Security Department. I worked with the
21 Q. Mr. Green, I am Deborah Nickson. I am	21 New York State Police for twenty-one
22 a local attorney here in Montgomery and	22 years, and I was in the military prior
23 I represent Elizabeth Horton, who is a	23 to that.
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1 plaintiff in this lawsuit. Are you	1 Q. Yes, sir. And the various prior
2 familiar with Elizabeth Horton?	2 employers that you've listed, did you
3 A. Yes, I am.	3 have experience in investigating cases,
4 Q. And Elizabeth was arrested as a result	4 matters, events?
5 of alleged statements that she made	5 A. Yes, I did.
6 during the course of an investigation	6 Q. And you said that your employment with
7 against National Seating & Mobility.	7 Medicaid has been two and a half years?
8 National Seating & Mobility, Mr. Gerald	8 A. Yes, that's correct.
9 Shockley, and Mr. Don Williams, they	9 Q. And you are assigned as a special
10 are defendants in this lawsuit. And	10 investigator.
11 Elizabeth's contention is that she was	11 A. That's correct.
12 wrongfully arrested. And I saw your	12 Q. And as a special investigator, what are
13 name in the record as one of the	13 your duties and responsibilities?
14 investigators that may have had some	14 A. We deal with cases involving Medicaid
15 contact with Elizabeth maybe shortly	15 fraud or suspected Medicaid fraud.
16 after the arrest in doing some further	16 Q. And in your two and a half years with
17 investigation concerning some	17 Medicaid, how many cases have you
18 complaints against National Seating &	18 investigated, approximately?
19 Mobility. Did you do any investigation	19 A. I would think that a safe estimate
20 regarding fraudulent activity, alleged	20 would be about seventy.
21 fraudulent activity, committed by	21 Q. About seventy?
22 National Seating & Mobility?	22 A. Yes.
23 A. Yes.	23 Q. And of the seventy cases, how many have

2 (Pages 5 to 8)

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<p>1 been confirmed on the allegations?</p> <p>2 A. I'm going to say 50 percent.</p> <p>3 Q. And for the 50 percent that you were</p> <p>4 not able to confirm the allegations,</p> <p>5 were any arrests recommended or made as</p> <p>6 a result thereof?</p> <p>7 A. I'm sorry. Repeat that.</p> <p>8 Q. Okay. For the 50 percent where the</p> <p>9 claims or -- the claims of a person</p> <p>10 alleging fraudulent activity were not</p> <p>11 substantiated, were arrests the result</p> <p>12 of it?</p> <p>13 A. No.</p> <p>14 Q. In your two and a half years with</p> <p>15 Medicaid, have you ever known of a</p> <p>16 complainant to be arrested for the</p> <p>17 complaint not being confirmed?</p> <p>18 A. The only case that I'm aware of is the</p> <p>19 one that I'm presently here for.</p> <p>20 Q. And that is Elizabeth Horton?</p> <p>21 A. Yes, ma'am.</p> <p>22 Q. What, if anything, was different about</p> <p>23 her complaint, if you know?</p>	<p>1 complainant, if known, at that point;</p> <p>2 and the person that the complaint was</p> <p>3 against.</p> <p>4 Q. And did you receive a case file where</p> <p>5 Elizabeth Horton was an alleged</p> <p>6 complainant?</p> <p>7 A. Yes, I did.</p> <p>8 Q. Okay.</p> <p>9 A. Well, I'm just trying to think back to</p> <p>10 the actual complaint form. I know I've</p> <p>11 spoke to Elizabeth, but I no longer</p> <p>12 remember if she was actually listed as</p> <p>13 the actual complainant on that form.</p> <p>14 Q. All right. Do you remember the time</p> <p>15 frame of your investigation concerning</p> <p>16 National Mobility?</p> <p>17 A. I remember receiving the actual</p> <p>18 complaint, I want to say, October-</p> <p>19 November of '05. And I think I</p> <p>20 actually worked on it on and off for</p> <p>21 maybe two months, roughly. I don't</p> <p>22 remember the exact dates, but I would</p> <p>23 think that that was -- that's roughly</p>
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<p>1 MR. STEWART: Object to</p> <p>2 form.</p> <p>3 A. From my perspective, it was, I would</p> <p>4 say, a regular complaint. There was</p> <p>5 nothing that I can think of that was</p> <p>6 different from any of the other various</p> <p>7 complaints we've received.</p> <p>8 Q. Let's talk about how you got involved</p> <p>9 in the case. How did you get involved</p> <p>10 with the complaint that was allegedly</p> <p>11 made by Elizabeth?</p> <p>12 A. I received it in the same manner we</p> <p>13 receive virtually all our cases. The</p> <p>14 cases come in and my supervisor, Chief</p> <p>15 Investigator Cliff Johnson, assigned</p> <p>16 the case to me.</p> <p>17 Q. Yes, sir. And did he give you a file?</p> <p>18 A. Yes, he did.</p> <p>19 Q. Do you remember what was contained in</p> <p>20 the file?</p> <p>21 A. There would have been a standard</p> <p>22 complaint form, which would have</p> <p>23 contained the basic allegation; the</p>	<p>1 the time frame.</p> <p>2 Q. Were you ever told that the complainant</p> <p>3 filed an -- I'm going to spell this for</p> <p>4 the record because I'm not certain of</p> <p>5 how you pronounce it. And if you know,</p> <p>6 then just let me know. It's Q-U-I</p> <p>7 T-A-M. Have you ever heard that term?</p> <p>8 A. Q-U-I --</p> <p>9 Q. Qui tam.</p> <p>10 MS. NICKSON: Counsel?</p> <p>11 MR. STEWART: Qui tam.</p> <p>12 Q. Qui tam.</p> <p>13 A. I've heard the term. I don't remember</p> <p>14 what it stands for, but I do remember</p> <p>15 the term. But no, I was not advised</p> <p>16 that she had done that.</p> <p>17 Q. Did you review a report by Felecia</p> <p>18 Barrow that indicated that a</p> <p>19 complainant had filed a qui tam lawsuit</p> <p>20 with the attorney general's office?</p> <p>21 A. Can -- just so that I make sure I</p> <p>22 understand what we're talking about,</p> <p>23 can you just define qui tam for me?</p>

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1 Q. Well, as I understand, it's a legal	1 document for the record.
2 provision in the United States. It's	2 A. The cover letter or the cover sheet is
3 under the False Claims Act, 31 USC.	3 actually the complaint form that I
4 And this allows a private individual --	4 referred to earlier. This is a
5 or it's the nature of a whistle blower	5 standard complaint form used by my
6 with knowledge of alleged fraudulent	6 department.
7 activity that's committed against the	7 MR. WALKER: If I could ask,
8 government. It's means by which they	8 for the record, for
9 can, I guess --	9 somebody to put in the
10 A. Just a basic complaint?	10 Bates numbers on that so
11 Q. Yes, sir.	11 that we know what they
12 A. All right. I just wanted to be sure.	12 are.
13 But yes.	13 MS. NICKSON: Yes. He's
14 Q. All right. And you were told that	14 going to do it.
15 Ms. Horton had filed a complaint?	15 MR. WALKER: There are some
16 A. Yes, I was.	16 numbers in the lower
17 Q. Did you ever see the complaint?	17 right-hand corner that
18 A. What I received was the complaint form,	18 have been placed onto
19 and I received information that was	19 the document. Would you
20 given to another individual, I believe.	20 indicate what the
21 Elizabeth Horton spoke with Felecia	21 numbers are? They're --
22 Barrow and I believe -- Is it Alecia	22 MS. NICKSON: This is what
23 Barrow or -- Felecia Barrow. I'm	23 we call --
Page 14	Page 16
1 sorry.	1 MR. WALKER: -- 0001 through
2 Q. Yes.	2 what?
3 A. I believe she was the one that	3 MS. NICKSON: Bates drab
4 formulated a written complaint.	4 (phonetic) numbers.
5 Q. So to the best of your knowledge, you	5 THE WITNESS: This is 001
6 never reviewed a complaint made by	6 through 006.
7 Ms. Horton?	7 MR. WALKER: Thank you.
8 A. To the best of my recollection at this	8 A. Okay. Followed by -- this is actually
9 point, yes.	9 the paperwork that was contained in my
10 Q. Did you ever see anything with her	10 report. The second sheet is actually
11 signature on it?	11 the cover letter for my report where it
12 A. No.	12 identifies the provider, information
13 Q. I'm going to show you what we'll mark	13 regarding the provider, the address.
14 as Plaintiff's Exhibit #1.	14 It also summarizes findings of any
15 (Plaintiff's Exhibit #1 was	15 fraudulent activity.
16 marked for identification.)	16 Q. And is the date of the report July 6th,
17 Q. If you would, review that for me.	17 2006?
18 (Brief pause while witness	18 A. Yes, ma'am. And the case number on
19 reviews document)	19 this report is 8-04-0150.
20 Q. Okay. Are you familiar with this	20 Q. Let's go back to the cover sheet on
21 document?	21 this. At the top, it's indication that
22 A. Yes, ma'am.	22 there's a continuation?
23 Q. And if you would, just describe this	23 A. Yes, ma'am.

4 (Pages 13 to 16)

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<p>1 Q. Does that mean that there's a prior 2 investigation? 3 A. Yes. 4 Q. Okay. 5 A. And from that point on, it's just 6 information that I came through during 7 the course of my investigation. 8 Q. All right. During the course of your 9 investigation, did you talk with a 10 young lady by the name of Chaseley 11 Weeks? 12 A. Yes, I did. 13 Q. What, if anything, did Ms. Weeks tell 14 you? 15 A. I spoke with Ms. Weeks, and basically 16 she informed me that she worked at 17 National Seating & Mobility; she's no 18 longer employed there. I'd just like 19 to refer back to see exactly what I 20 wrote. 21 Q. Yes, sir, you can. 22 A. Okay. I spoke with Ms. Weeks 23 initially, and she had agreed to meet</p>	<p>1 have had. 2 But, again, that meeting never 3 took place. After the initial meeting, 4 I tried several times to contact her 5 and was never able to do so. 6 Q. Do you know whether Mr. Gerald Shockley 7 or anybody else contacted Chaseley 8 Weeks? 9 A. I don't know. 10 Q. If we can, start on the front page. 11 This would be Bates Drab 001. The 12 complaint that you received, the 13 allegation, is this allegation 14 allegedly made by Elizabeth Horton? 15 A. I can only go by what's stated here, 16 and it's stated as an anonymous 17 complaint. So I have no idea who 18 actually contacted us with this 19 information. 20 Q. How did you come about talking to 21 Elizabeth Horton? 22 A. Once I received this investigation, I 23 was advised that the attorney general's</p>
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<p>1 with me on a later date and time so we 2 could sit down and conduct an actual 3 interview. On the date, May 6th -- 4 should be May 8th -- of 2006 when I 5 spoke with her, she was -- I believe 6 she was on her way to pick up a child 7 or something. In either case, she was 8 not going to be able to give me time to 9 conduct an interview. She agreed to 10 meet with me at a later date, and we 11 were never able to do that. 12 Q. Did she say whether or not she had any 13 knowledge concerning alleged fraudulent 14 activity at National Seating & 15 Mobility? 16 A. She said she had some information. She 17 believed that there had been some cases 18 that Medicaid may want to investigate. 19 One of the things we were going to do 20 was discuss specific information which 21 would help to give me a direction to go 22 at this information and just obtain any 23 fraudulent information that she may</p>	<p>1 office had also conducted an 2 investigation on this. I requested a 3 copy of their report; and from there, I 4 went through to see who their 5 complainants and witnesses were, and I 6 attempted to contact individually the 7 same people. And -- and with finding 8 out that Elizabeth Horton was a 9 complainant in this case, that's pretty 10 much how I came in on her and that's 11 why she was contacted. 12 Q. And what, if anything, did Elizabeth 13 tell you? 14 A. I had several conversations with 15 Elizabeth -- should be Ms. Horton. 16 Over the course of our conversations, 17 she advised me that she felt that there 18 were some things going on with National 19 Seating & Mobility that she felt may 20 have been fraudulent. 21 Q. So her statements were pretty much one 22 and the same as Chaseley Weeks? 23 A. Yes.</p>

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<p>1 MR. STEWART: Object to the 2 form. 3 MR. WALKER: Object to the 4 form. 5 A. Yes. To some degree, yes. 6 Q. All right. You can go on. 7 A. During the conversations, we just 8 discussed what she thought may have 9 been going on. She explained to me 10 that one of the problems were that 11 National Seating & Mobility were 12 requesting extensions and the reason 13 for this was because they weren't 14 getting the equipment ready in time. 15 And we just kind of went back and forth 16 with information of that. I asked her 17 if she had any specifics. She told me 18 that she would be able to get me some 19 names of people she remembered, but she 20 wasn't able to clearly state that these 21 are definitely people with fraudulent 22 claims. 23 Q. All right. So she just remembered some</p>	<p>1 when she met you? 2 MR. STEWART: Object to 3 form. 4 A. I had a chance to review the -- the 5 investigative report from the attorney 6 general's office. The case prior to 7 that, I don't believe -- and I'm not 8 sure on this -- I don't believe 9 involved Ms. Horton, so I don't believe 10 that that tied in as far as she was 11 concerned at this point. So the only 12 thing prior to my investigation that I 13 think involved her was actually the 14 attorney general's investigation. 15 Q. All right. Now, on Ms. Horton, you 16 interviewed quite a few people. As I 17 understand it, you've done over seventy 18 cases, approximately seventy cases. 19 A. Approximately. 20 Q. Just let me get your opinion of 21 Ms. Horton. Did you see her to be a 22 liar? 23 MR. STEWART: Object to</p>
Page 22	Page 24
<p>1 clients -- 2 A. Yes, ma'am. 3 Q. -- but didn't say whether or not these 4 people had complained? 5 A. It wasn't so much whether or not they 6 had complained. She was not able to 7 say whether or not they actually were 8 the ones where fraudulent activity had 9 taken place. 10 Q. Was she still working for the company 11 when you spoke with her? 12 A. No, ma'am. 13 Q. Can you remember her last employment 14 date with the company? 15 A. No, I don't. 16 Q. You spoke to her in 2005. Am I 17 correct? 18 A. It would have been 2006. 19 Q. Of 2006. 20 A. Okay. 21 Q. Did you have a chance to review 22 anything regarding the alleged 23 complaints that she made earlier than</p>	<p>1 form. 2 MR. WALKER: Object to the 3 form. 4 A. My opinion of Ms. Horton was that she 5 had information that she thought and 6 she suspected that something was going 7 on that wasn't correct or appropriate. 8 Do I think she was a liar? From my -- 9 my time with her, no, I don't think she 10 was lying to me. But I will say that 11 one of the problems I did have with 12 Ms. Horton was after -- actually, she 13 was very, very, very, very difficult to 14 get in touch with, which made it very 15 difficult to follow up on some of the 16 information to keep the investigation 17 going. I believe that she believed 18 something was going on, but I don't 19 believe that she was as cooperative as 20 she could have been and possibly as she 21 should have been. 22 Q. Did she give the impression that she 23 didn't want to get involved?</p>

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<p>1 A. No. And the reason I say that was, she</p> <p>2 would set an appointment and miss it</p> <p>3 and almost immediately after time had</p> <p>4 expired for the appointment, she would</p> <p>5 call to reestablish another date and</p> <p>6 time. So my feelings were, if you</p> <p>7 didn't want to be involved and you miss</p> <p>8 an appointment, then you would not</p> <p>9 initiate any contact. I mean, there</p> <p>10 was times that I called her, but she</p> <p>11 also would make it a point to get back</p> <p>12 in touch with me so that we could</p> <p>13 reschedule. And because she was</p> <p>14 rescheduling, I assumed that was</p> <p>15 something she wanted to do.</p> <p>16 Q. Now, let me just ask you one more</p> <p>17 question in this area. Now, you said</p> <p>18 that you reviewed a file where</p> <p>19 Elizabeth's name may have appeared in</p> <p>20 the prior complaint against National</p> <p>21 Seating & Mobility. Am I correct?</p> <p>22 A. The prior complaint that I'm referring</p> <p>23 to --</p>	<p>1 Q. What, if anything, did she do to</p> <p>2 identify those recipients?</p> <p>3 A. In an attempt to find out some of the</p> <p>4 people that she thought may have been</p> <p>5 defrauded, I asked her to go through</p> <p>6 the list of recipients of National</p> <p>7 Seating & Mobility clients only and</p> <p>8 just identify anyone that she could</p> <p>9 remember or anyone that may have -- or</p> <p>10 if there was anyone in particular that</p> <p>11 she knew there was some sort of</p> <p>12 fraudulent activity with. And what she</p> <p>13 did was she went through the list as I</p> <p>14 sat there and she just identified,</p> <p>15 again, people that she remembered. But</p> <p>16 she was not able to give any specifics</p> <p>17 as to any inappropriate action towards</p> <p>18 anyone on that list.</p> <p>19 Q. Do you find that to be unusual?</p> <p>20 MR. STEWART: Object to the</p> <p>21 form.</p> <p>22 MR. WALKER: Same objection.</p> <p>23 A. Unusual? No. No.</p>
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<p>1 Q. Yes, sir.</p> <p>2 A. -- is the complaint -- the</p> <p>3 investigation that was conducted by the</p> <p>4 attorney general's office.</p> <p>5 Q. Yes, sir.</p> <p>6 A. I don't believe that her name was in</p> <p>7 the prior complaint in the actual</p> <p>8 Medicaid case.</p> <p>9 Q. Yes, sir. Okay. All right. But you</p> <p>10 never saw any documentation, no</p> <p>11 affidavit, nothing that Elizabeth</p> <p>12 signed stating that National Seating &</p> <p>13 Mobility had in essence not delivered</p> <p>14 wheelchairs? Was that one of the</p> <p>15 complaints?</p> <p>16 A. That was one of the complaints. To the</p> <p>17 best of my recollection, was no, there</p> <p>18 was nothing signed by Ms. Horton.</p> <p>19 Q. All right. Let me then ask you, did</p> <p>20 you ever show Ms. Horton a list of</p> <p>21 recipients that National Seating &</p> <p>22 Mobility had serviced?</p> <p>23 A. Yes, I did.</p>	<p>1 Q. All right. Is that due to -- what?</p> <p>2 MR. STEWART: Object to the</p> <p>3 form.</p> <p>4 A. I think a lot of times people will call</p> <p>5 in with a complaint and not necessarily</p> <p>6 know all there is to know about a</p> <p>7 particular area and may think that</p> <p>8 something is wrong. And in a high-</p> <p>9 volume business such as National</p> <p>10 Seating & Mobility where you've got a</p> <p>11 bunch of names coming through, you</p> <p>12 don't necessarily remember each</p> <p>13 individual. I'm sure from time to time</p> <p>14 there's someone that stands out, but as</p> <p>15 a general rule, I wouldn't find that to</p> <p>16 be unusual.</p> <p>17 Q. All right. Ms. Horton worked for</p> <p>18 National Seating & Mobility. She was</p> <p>19 assigned there through a temporary</p> <p>20 agency, and she worked from April to</p> <p>21 June of 2004. 2005 -- I think it may</p> <p>22 have been April of 2005 is when she was</p> <p>23 contacted by the attorney general's</p>

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<p>1 office in reference to giving some</p> <p>2 information on an alleged complaint</p> <p>3 that she may have made. Now, she was</p> <p>4 presented this list.</p> <p>5 A. This was a list presented by the</p> <p>6 attorney general's office?</p> <p>7 Q. Yes.</p> <p>8 MR. WALKER: I'm going to</p> <p>9 object to the form.</p> <p>10 Q. To my understanding.</p> <p>11 MR. STEWART: Same</p> <p>12 objection.</p> <p>13 Q. Okay. Now, just in your years of</p> <p>14 investigation -- we're looking at an</p> <p>15 employee separated from a company</p> <p>16 nearly a year. Would you say that it</p> <p>17 would be highly likely that that</p> <p>18 employee could look at this list and</p> <p>19 choose recipients specifically that may</p> <p>20 have been violated --</p> <p>21 MR. STEWART: Object to the</p> <p>22 form.</p> <p>23 MR. WALKER: Object to the</p>	<p>1 THE WITNESS: 0045 -- would</p> <p>2 you like me to do that</p> <p>3 for anything?</p> <p>4 MR. WALKER: Please.</p> <p>5 THE WITNESS: Okay. I'm</p> <p>6 sorry.</p> <p>7 MR. WALKER: And what's the</p> <p>8 last page?</p> <p>9 THE WITNESS: Oh, I'm sorry.</p> <p>10 Four five to five zero.</p> <p>11 MR. WALKER: Thank you,</p> <p>12 Deborah.</p> <p>13 Q. (By Ms. Nickson) Did you present her</p> <p>14 with a list of this nature or what did</p> <p>15 you present Elizabeth with?</p> <p>16 A. It would have been basically the same</p> <p>17 list.</p> <p>18 Q. And you said that her conduct for</p> <p>19 identifying on your list was simply</p> <p>20 what?</p> <p>21 A. She identified names that she had</p> <p>22 remembered during the time of her</p> <p>23 employment with National Seating &</p>
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<p>1 form.</p> <p>2 Q. -- while she yet worked there?</p> <p>3 MR. STEWART: Same</p> <p>4 objection.</p> <p>5 A. You're asking me if, a year later, if</p> <p>6 presented with this list, would it be</p> <p>7 unlikely that she would be able to</p> <p>8 identify people. I wouldn't say it</p> <p>9 would be highly unlikely. I mean,</p> <p>10 there's -- again, people recall some</p> <p>11 things that ordinarily they may not. I</p> <p>12 mean, certain things trigger certain</p> <p>13 memories. So I will say it's possible</p> <p>14 that she could remember someone. I</p> <p>15 wouldn't say highly unlikely. I would</p> <p>16 say it's possible that she could and</p> <p>17 it's possible that she couldn't.</p> <p>18 MR. WALKER: Mr. Green,</p> <p>19 could I ask you to put</p> <p>20 in the Bates numbers for</p> <p>21 that document you're</p> <p>22 looking at so that the</p> <p>23 record is clear?</p>	<p>1 Mobility and that she was not able to</p> <p>2 identify anyone specifically who had</p> <p>3 been defrauded. She was merely able to</p> <p>4 give a list of names of people that she</p> <p>5 remembered from her employment.</p> <p>6 Q. What is your position concerning how</p> <p>7 she even got involved in -- did she</p> <p>8 make an initial contact or did you all</p> <p>9 contact her? What happened?</p> <p>10 MR. WALKER: Objection to</p> <p>11 form.</p> <p>12 MR. STEWART: Same.</p> <p>13 A. I reached out for her because, from my</p> <p>14 understanding and from what I was able</p> <p>15 to come up with at that point, she was</p> <p>16 a vital piece. She was the one with</p> <p>17 direct information at that point in</p> <p>18 time because she was the employee for</p> <p>19 National Seating & Mobility.</p> <p>20 Q. As Chaseley Weeks as well?</p> <p>21 A. Chaseley Weeks was not a name that I</p> <p>22 was familiar with at that particular</p> <p>23 time. Chaseley Weeks was a name that</p>

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1 was actually given to me by Ms. Horton.	1 actually applied to this report. And I
2 So I reached out for her when I began	2 spoke with Ms. Gilley, a CRS in Dothan.
3 my investigation.	3 Q. What, if anything, did Ms. Gilley say?
4 Q. All right. Did you have the	4 MR. STEWART: I'm not sure
5 opportunity to talk with Mr. Don	5 he was finished his
6 Williams?	6 answer.
7 A. I believe I spoke with Mr. Williams. I	7 Q. Oh, I'm sorry.
8 met with his wife. I'm just trying to	8 A. And I spoke with -- I believe that's
9 go back through my mind with this. I	9 it.
10 believe I spoke with him, because at	10 MR. STEWART: I'm sorry. I
11 that point in time, he had left the	11 thought he was still
12 company.	12 going.
13 Q. And what, if anything, did Mr. Williams	13 THE WITNESS: I was actually
14 tell you?	14 looking, just trying to
15 A. I'm just referring back through the	15 make sure.
16 report. I don't have anything noted in	16 Q. What, if anything, did Ms. Gilley say?
17 my report. If I remember correctly, my	17 A. When I spoke with Ms. Gilley, I asked
18 conversation with Mr. Williams was	18 her for records of some of the
19 that, after speaking with Ms. Williams,	19 recipients that had received product
20 if I needed to speak with him, would he	20 from National Seating & Mobility.
21 be available for an interview, which he	21 Reviewed records and spoke with her
22 stated yes.	22 about if there were any problems she
23 Q. Did he ever tell you or make a	23 was having with them, her feelings, why
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1 statement to you that Elizabeth and	1 she was dealing with them, things of
2 Felecia Barrow were friends?	2 that nature. And I'm just trying to
3 A. That was -- I don't recall that.	3 skim over this real quick. Just,
4 Q. All right. Did you speak with anybody	4 basically, Ms. Gilley had no real
5 else concerning the alleged fraudulent	5 complaints with National Seating &
6 activity at National Seating &	6 Mobility. She produced two records;
7 Mobility?	7 and from those records, I was not able
8 MR. STEWART: Object to the	8 to find anything that identified any
9 form.	9 wrongdoings on the part of National
10 MR. WALKER: Same objection.	10 Seating & Mobility.
11 A. I spoke with Ms. Williams. I spoke	11 Q. And that was the result of your report.
12 with -- Mrs. Williams. Spoke briefly	12 Am I correct?
13 with Mr. Williams. I spoke with	13 A. Yes, ma'am.
14 Mr. Maddox, who was an employee of	14 Q. Now, in reference to the receipt -- one
15 National Seating & Mobility. I spoke	15 of the complaints was forging receipts
16 with Ms. Weeks, Ms. Barrow. I spoke	16 on names on delivery tickets for the
17 with Gerry Rodgers, who is a physical	17 medical equipment?
18 therapist. And I spoke with another	18 A. Uh-huh.
19 employee from National Seating &	19 Q. Did you all match any signatures? What
20 Mobility, but that was almost a spot	20 did you do?
21 check, just trying to get an	21 A. I didn't -- no, I didn't match any
22 understanding as to how they did	22 signatures. Some of the recipients
23 things, but there wasn't anything that	23 were suffering from cerebral palsy and

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<p>1 would have been unable to sign. Some</p> <p>2 of the facilities, to my understanding,</p> <p>3 has the authority to sign for equipment</p> <p>4 in various forms. So no, I didn't do</p> <p>5 that and --</p> <p>6 Q. Okay. Do you know whether or not --</p> <p>7 MR. WALKER: Objection. I</p> <p>8 think he was still</p> <p>9 talking.</p> <p>10 Q. Oh, I'm sorry.</p> <p>11 A. No. I was just saying no, I didn't do</p> <p>12 that. My main concern at this point</p> <p>13 was trying to identify, well, one, had</p> <p>14 any equipment not been delivered or if</p> <p>15 we had any clear-cut cases of where we</p> <p>16 could identify something that in either</p> <p>17 person's allegation that this is one</p> <p>18 that was actually forged. And I was</p> <p>19 not able to find that information, so I</p> <p>20 didn't do that.</p> <p>21 Q. Now, I'm going to ask you, as an</p> <p>22 investigator, what was your gut</p> <p>23 feeling?</p>	<p>1 that they believe that they had</p> <p>2 something that they should notify us</p> <p>3 about. I received the information; I</p> <p>4 looked into it until I was satisfied</p> <p>5 that there was nothing there.</p> <p>6 Q. Okay. I'm going to show you this</p> <p>7 document, and this will be Bates</p> <p>8 Drab 14. Would you identify this</p> <p>9 document for the record, please?</p> <p>10 A. This is a document that was generated</p> <p>11 by the Alabama Medicaid Agency</p> <p>12 February 16th of 2005. This is a</p> <p>13 memorandum from Dr. McIntyre, who's</p> <p>14 medical director for the Medicaid</p> <p>15 Agency.</p> <p>16 Q. All right. If you would, just read</p> <p>17 that first sentence for the record for</p> <p>18 me, please.</p> <p>19 A. Where it says --</p> <p>20 MR. WALKER: It's from</p> <p>21 Felecia Barrow, is who</p> <p>22 it's to.</p> <p>23 Q. Okay. The memorandum is to whom?</p>
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<p>1 MR. STEWART: Object to the</p> <p>2 form.</p> <p>3 A. My gut feeling?</p> <p>4 Q. Uh-huh.</p> <p>5 MR. WALKER: Object to the</p> <p>6 form.</p> <p>7 Q. You have two complainants. You have</p> <p>8 Chaseley Weeks, former employee, said</p> <p>9 something is going on. Then you have</p> <p>10 Elizabeth Horton, a former employee,</p> <p>11 saying something was going on. What</p> <p>12 was your gut feeling?</p> <p>13 MR. STEWART: Object to the</p> <p>14 form.</p> <p>15 MR. WALKER: Same objection.</p> <p>16 A. My only gut feeling was, is they</p> <p>17 contacted with a complaint, as do many</p> <p>18 other people. When I receive a</p> <p>19 complaint, I assume that the people</p> <p>20 that are calling believe that their</p> <p>21 complaint is legitimate; and I look</p> <p>22 into it from that basis until I prove</p> <p>23 or disprove. So my gut feeling was, is</p>	<p>1 A. The memorandum is to -- I'm sorry. The</p> <p>2 memorandum is to Dr. McIntyre and it's</p> <p>3 from Ms. Barrow.</p> <p>4 Q. And who is Dr. McIntyre?</p> <p>5 A. Dr. McIntyre is the medical director at</p> <p>6 Medicaid.</p> <p>7 Q. And Felecia Barrow, who is she?</p> <p>8 A. She's a former employee of Medicaid.</p> <p>9 She was the associate director for the</p> <p>10 prior approval unit.</p> <p>11 Q. And she's writing this memorandum in</p> <p>12 reference to?</p> <p>13 A. Issues with wheelchair assessments</p> <p>14 received.</p> <p>15 Q. Now, in the first paragraph, what does</p> <p>16 she state?</p> <p>17 A. It's just saying that -- she's saying,</p> <p>18 Please find an example of wheelchair</p> <p>19 assessments that have been submitted by</p> <p>20 National Seating & Mobility in</p> <p>21 Montgomery that were missing client</p> <p>22 dates.</p> <p>23 Q. Clinic dates.</p>

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<p>1 A. Clinic dates. I'm sorry. Let me see.</p> <p>2 And two of the assignments were</p> <p>3 conducted by Gerry Rodgers, who is</p> <p>4 someone that I'd spoke to, and one by a</p> <p>5 Michael Maddox, both of Children's</p> <p>6 Rehab Services.</p> <p>7 Q. Now, did you ever look at a</p> <p>8 relationship between Gerry Rodgers,</p> <p>9 Michael Maddox, Emily Williams, and Don</p> <p>10 Williams?</p> <p>11 A. I inquired about the relationship.</p> <p>12 Mr. Maddox and Mr. Rodgers worked</p> <p>13 together at CRS. That was one of the</p> <p>14 questions I had. In my report, when I</p> <p>15 spoke with Mr. Rodgers, he stated that</p> <p>16 97 percent of their business went to</p> <p>17 National Seating & Mobility.</p> <p>18 Q. Did you find that to be unusual?</p> <p>19 A. I found that to be a little unusual,</p> <p>20 only because it's a state agency and my</p> <p>21 past experience outside of the State of</p> <p>22 Alabama with state agencies do tend to</p> <p>23 be more companies involved.</p>	<p>1 MR. WALKER: Object to the</p> <p>2 form.</p> <p>3 Q. Do you know what attachments she had --</p> <p>4 was this part of your file?</p> <p>5 A. This -- I don't remember if this was a</p> <p>6 part of the original file or if this</p> <p>7 was a part of my file, because this</p> <p>8 date is prior to my employment with</p> <p>9 Medicaid.</p> <p>10 Q. All right. So, now, you had an</p> <p>11 opportunity to meet Ms. Barrow. Am I</p> <p>12 correct?</p> <p>13 A. Yes, I did.</p> <p>14 Q. Would she have had a reason to be lying</p> <p>15 about missing clinic dates?</p> <p>16 MR. STEWART: Object to the</p> <p>17 form.</p> <p>18 MR. WALKER: Object to the</p> <p>19 form.</p> <p>20 A. I don't know if she had a reason to.</p> <p>21 Q. All right. Let me just ask you as an</p> <p>22 investigator, if you had that memo in</p> <p>23 the file with attachments showing</p>
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<p>1 Q. Did you find whether or not they knew</p> <p>2 each other outside of the business</p> <p>3 relationship?</p> <p>4 MR. STEWART: Object to the</p> <p>5 form.</p> <p>6 MR. WALKER: Same objection.</p> <p>7 A. The information that was given to me by</p> <p>8 them was that they had a working</p> <p>9 relationship.</p> <p>10 Q. Now, when you spoke with Elizabeth, did</p> <p>11 she say anything about clinic dates</p> <p>12 being missing on some of the forms?</p> <p>13 A. There was mention that -- the complaint</p> <p>14 dealt with dates, signatures, delivery</p> <p>15 times of equipment. Well, the answer</p> <p>16 to your question is yes.</p> <p>17 Q. And February 2005 -- actually, this</p> <p>18 memo from Felecia Barrow, it suggests</p> <p>19 that there were in fact missing dates,</p> <p>20 clinic dates. Am I correct?</p> <p>21 A. Yes.</p> <p>22 MR. STEWART: Object to the</p> <p>23 form.</p>	<p>1 missing clinic dates on some documents,</p> <p>2 would you investigate?</p> <p>3 A. I would look into it. And when I spoke</p> <p>4 with Ms. Gilley, I believe, in thinking</p> <p>5 back, that some of her documents did in</p> <p>6 fact have missing dates. With speaking</p> <p>7 to them, it's -- I'm looking at this</p> <p>8 report and I know some of the</p> <p>9 information has been -- my report --</p> <p>10 and I know some of the information has</p> <p>11 been removed. But I believe one of the</p> <p>12 things was they were advised was just</p> <p>13 to make sure that they document their</p> <p>14 paperwork, which is not an uncommon</p> <p>15 thing.</p> <p>16 Q. Did you talk with anyone that stated</p> <p>17 that Emily or Don told them not to put</p> <p>18 dates on their forms?</p> <p>19 A. That was one of the allegations, but</p> <p>20 that was something that I was never</p> <p>21 able to substantiate. I know that</p> <p>22 Ms. Barrow said that she had heard</p> <p>23 that, but there was nothing that -- no</p>

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<p>1 one could ever produce a form that we</p> <p>2 were able to say this is the form, this</p> <p>3 is an example of what they were told</p> <p>4 not to do. I mean, missing dates</p> <p>5 happen. But because I was not with any</p> <p>6 certainty able to identify anything, I</p> <p>7 wasn't able to do anything else with</p> <p>8 that.</p> <p>9 Q. Right here -- and I'm referencing the</p> <p>10 third paragraph on Bates Drab 14.</p> <p>11 Okay? Teresa is identified in this</p> <p>12 document as an RN. Would you just read</p> <p>13 that into the record for me, the third</p> <p>14 paragraph.</p> <p>15 A. Teresa Surles is a former employee of</p> <p>16 Medicaid. I don't know if you were</p> <p>17 aware of that or not.</p> <p>18 Q. I am not. Okay.</p> <p>19 A. But Teresa came across another</p> <p>20 assessment completed by M. Maddox and</p> <p>21 placed a call to PT to find out why the</p> <p>22 dates were missing. The PT replied,</p> <p>23 Maybe we were not supposed to do this,</p>	<p>1 A. Again, with Chaseley Weeks, my</p> <p>2 recollection of her was she spoke of</p> <p>3 some possible wrongdoings, but we</p> <p>4 really never sat down and able to get</p> <p>5 into exactly what she was talking</p> <p>6 about.</p> <p>7 Q. Did you speak to Felecia Barrow?</p> <p>8 A. Yes, I did.</p> <p>9 Q. And what, if anything, did Felecia tell</p> <p>10 you?</p> <p>11 A. Ms. Barrow stated that she was having a</p> <p>12 problem with National Seating &</p> <p>13 Mobility. And the basic problem with</p> <p>14 them was that their claims were coming</p> <p>15 in late. And one of the problems she</p> <p>16 was having is that not only were they</p> <p>17 coming in late, but they were starting</p> <p>18 to become later and later. And she</p> <p>19 requested that any time they need an</p> <p>20 extension, that they had to explain why</p> <p>21 in order for her to approve the prior</p> <p>22 approval.</p> <p>23 Q. Did Ms. Barrow state that they had more</p>
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<p>1 pause, but I never put dates on</p> <p>2 assessments or prescriptions because</p> <p>3 it -- it messes up vendors, okay, like</p> <p>4 we are on a time clock. It is odd that</p> <p>5 on assessments that Mr. Maddox had done</p> <p>6 for vendors have a date and not --</p> <p>7 excuse me -- have a date on them but</p> <p>8 the ones done by National Seating &</p> <p>9 Mobility do not have dates.</p> <p>10 MR. WALKER: That's "ones</p> <p>11 done for National</p> <p>12 Seating do not have</p> <p>13 dates."</p> <p>14 A. Okay. Done for National Seating &</p> <p>15 Mobility do not have dates. This was</p> <p>16 the same information that was reported</p> <p>17 by a former National Seating & Mobility</p> <p>18 employee, Elizabeth Horton.</p> <p>19 Q. And is that the same information that</p> <p>20 Chaseley Weeks had indicated?</p> <p>21 MR. STEWART: Object to the</p> <p>22 form.</p> <p>23 MR. WALKER: Same objection.</p>	<p>1 requests than what was normal?</p> <p>2 MR. WALKER: Object to the</p> <p>3 form.</p> <p>4 MR. STEWART: Same.</p> <p>5 A. They were getting a high number of,</p> <p>6 yes, requests for extensions than</p> <p>7 normal.</p> <p>8 Q. Would this have been considered what we</p> <p>9 would say a red flag that maybe</p> <p>10 something is wrong?</p> <p>11 MR. WALKER: Object to the</p> <p>12 form.</p> <p>13 MR. STEWART: Object to the</p> <p>14 form.</p> <p>15 A. Possibly. But she also identified</p> <p>16 another problem, and that problem was</p> <p>17 that the Medicaid Agency and her unit</p> <p>18 in particular were actually running a</p> <p>19 little bit behind with getting this</p> <p>20 information out. So that posed a</p> <p>21 problem from both sides.</p> <p>22 Q. Now, the mere fact that Felecia Barrow,</p> <p>23 being the associate director, would</p>

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<p>1 send a memo to Dr. McIntyre, normally</p> <p>2 when this is done, is that a suggestion</p> <p>3 that maybe there is something that she</p> <p>4 suspects to be wrong in the company's</p> <p>5 activity?</p> <p>6 MR. STEWART: Object to the</p> <p>7 form.</p> <p>8 MR. WALKER: Object to the</p> <p>9 form.</p> <p>10 A. It suggests that she's seen something</p> <p>11 possibly out of the ordinary.</p> <p>12 Q. All right. Now, on the complaint that</p> <p>13 you investigated, you indicated that</p> <p>14 the complainant was anonymous?</p> <p>15 A. Yes.</p> <p>16 Q. And your testimony was that you learned</p> <p>17 that Elizabeth Horton was the prior</p> <p>18 complainant?</p> <p>19 A. Yes, that was my testimony.</p> <p>20 Q. Now, let's talk about just your process</p> <p>21 or what you do when someone complains</p> <p>22 and they identify themselves; they do</p> <p>23 not remain anonymous. What's the</p>	<p>1 Q. And did you ever see an affidavit from</p> <p>2 Elizabeth Horton?</p> <p>3 A. I don't recall seeing one from</p> <p>4 Ms. Horton.</p> <p>5 Q. All right. Is there anything else that</p> <p>6 you can tell us about your involvement</p> <p>7 in the investigation of the alleged</p> <p>8 fraud committed by National Seating &</p> <p>9 Mobility?</p> <p>10 A. Nothing else I can think of.</p> <p>11 Q. And you spoke to Don Williams?</p> <p>12 A. Yes.</p> <p>13 Q. What was his position with the company,</p> <p>14 if you remember?</p> <p>15 MR. STEWART: Object to the</p> <p>16 form.</p> <p>17 A. If I remember correctly, when I spoke</p> <p>18 to Mr. Williams, I believe he was no</p> <p>19 longer employed with the company. And</p> <p>20 when I spoke with his wife, she was</p> <p>21 leaving, I believe, within the next</p> <p>22 week or two.</p> <p>23 Q. All right. Do you know why she was</p>
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<p>1 process?</p> <p>2 A. If we receive a complaint and the</p> <p>3 person gives their information --</p> <p>4 typically what happens, a complaint may</p> <p>5 come in and it may sit dormant for</p> <p>6 several months. If I receive a</p> <p>7 complaint with a complainant, the first</p> <p>8 thing I attempt to do is to contact the</p> <p>9 complainant. I want to understand</p> <p>10 exactly what their complaint is, if</p> <p>11 they have any information that will</p> <p>12 support their complaint, is there</p> <p>13 anything in addition to what was</p> <p>14 denoted on the complaint form that I</p> <p>15 may -- that may be beneficial to me.</p> <p>16 And I gather information; I try to sit</p> <p>17 down with them and do an actual</p> <p>18 interview, gather any information that</p> <p>19 I can from them, and then follow on</p> <p>20 with my complaint.</p> <p>21 Q. Now, at any point does the complainant</p> <p>22 give an affidavit?</p> <p>23 A. Yes, there's times that that's done.</p>	<p>1 leaving?</p> <p>2 A. I believe that they were becoming</p> <p>3 involved in real estate, possibly real</p> <p>4 estate agents, but I'm not sure.</p> <p>5 Q. Have you ever seen Emily Williams' name</p> <p>6 involved with any other fraudulent</p> <p>7 investigation against any company?</p> <p>8 MR. STEWART: Object to the</p> <p>9 form.</p> <p>10 MR. WALKER: Same objection.</p> <p>11 A. Nothing that I'm aware of.</p> <p>12 Q. How about Don Williams?</p> <p>13 MR. STEWART: Same</p> <p>14 objection.</p> <p>15 MR. WALKER: Same objection.</p> <p>16 A. I don't recall the names. I'm not</p> <p>17 saying that I haven't seen them, but</p> <p>18 there's nothing that comes up in my</p> <p>19 mind.</p> <p>20 Q. All right. Now, twenty-one years of</p> <p>21 law-enforcement background. And let me</p> <p>22 ask you this question. When you look</p> <p>23 at Ms. Horton's case, was there</p>

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<p>1 probable cause to arrest her in this</p> <p>2 case?</p> <p>3 MR. STEWART: Object to the</p> <p>4 form.</p> <p>5 MR. WALKER: Object to the</p> <p>6 form.</p> <p>7 A. That's -- I can't -- I can't answer</p> <p>8 that without having all the</p> <p>9 information. I don't know what, if</p> <p>10 anything, else they had, so I wouldn't</p> <p>11 be able to base that. I have had cases</p> <p>12 where I have arrested the complainant,</p> <p>13 but that was after the conclusion of my</p> <p>14 investigation and I was clearly able to</p> <p>15 show that they were lying and their</p> <p>16 intent was to cause harm to another</p> <p>17 person. Now, that was not while with</p> <p>18 the Medicaid Agency. But I have on</p> <p>19 occasions arrested complainants.</p> <p>20 Q. So you looked at maliciousness or</p> <p>21 malicious intent --</p> <p>22 A. Yes, ma'am.</p> <p>23 Q. -- to harm. And did you feel in any</p>	<p>1 A. Not to me, no.</p> <p>2 MS. NICKSON: All right. No</p> <p>3 further questions.</p> <p>4 EXAMINATION</p> <p>5 BY MR. WALKER:</p> <p>6 Q. Let me ask you a question, please, sir.</p> <p>7 If you would look at Exhibit #1 and,</p> <p>8 particularly, if you would look at</p> <p>9 page 2 and if you would read the</p> <p>10 paragraph, summary of fraudulent</p> <p>11 activity.</p> <p>12 A. On June 1st, 2006, I met with Ms. Emily</p> <p>13 Williams -- if I can skip the</p> <p>14 abbreviations there -- with National</p> <p>15 Seating & Mobility, 646 Oliver Road,</p> <p>16 Montgomery, Alabama, and Tim Maddox of</p> <p>17 National Seating & Mobility, 377</p> <p>18 Riverside Drive, Suite 300, Franklin,</p> <p>19 Tennessee, and reviewed -- and reviewed</p> <p>20 the requested files. A review of these</p> <p>21 files revealed no signs of any criminal</p> <p>22 activity or wrongdoing. At no time did</p> <p>23 this investigation reveal any signs of</p>
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<p>1 way that Elizabeth had a malicious</p> <p>2 intent to harm National Seating &</p> <p>3 Mobility, Don Williams, or Emily</p> <p>4 Williams?</p> <p>5 MR. WALKER: Object to the</p> <p>6 form.</p> <p>7 MR. STEWART: Object to the</p> <p>8 form.</p> <p>9 A. I don't know what her intent was. The</p> <p>10 only thing I knew is that she had a</p> <p>11 complaint and I just investigated the</p> <p>12 complaint.</p> <p>13 Q. But she was like a normal complainant?</p> <p>14 MR. STEWART: Object to the</p> <p>15 form.</p> <p>16 MR. WALKER: Object to the</p> <p>17 form.</p> <p>18 A. Yes.</p> <p>19 Q. Did she ever express maliciousness?</p> <p>20 MR. STEWART: Object to the</p> <p>21 form.</p> <p>22 MR. WALKER: Object to the</p> <p>23 form.</p>	<p>1 criminal or wrongdoing. I request this</p> <p>2 case be closed.</p> <p>3 Q. And is that the conclusion that you</p> <p>4 yourself reached after investigating</p> <p>5 this case and based on your many years</p> <p>6 of experience in law enforcement?</p> <p>7 A. That's correct.</p> <p>8 Q. And do you believe today that that was</p> <p>9 a correct conclusion?</p> <p>10 A. Yes, I do.</p> <p>11 Q. And then on the next page, does that</p> <p>12 show that your supervisor, Mr. Cliff</p> <p>13 Johnson, concurred with your</p> <p>14 recommendation?</p> <p>15 A. Yes, it does.</p> <p>16 Q. Look at pages 4 through 6. And let me</p> <p>17 ask you, are these notes that you made</p> <p>18 as you went through your investigation?</p> <p>19 A. That's correct.</p> <p>20 Q. And would you have recorded here</p> <p>21 anything of importance, of substantive</p> <p>22 importance, that you did or that you</p> <p>23 were told in the investigation?</p>

14 (Pages 53 to 56)

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1 A. Yes, sir.	1 allegations -- in 50 percent of the
2 Q. Now, I notice that it does not say	2 cases, you had confirmed the
3 anywhere that you met with or talked	3 allegations and about 50 percent of the
4 with Don Williams.	4 remainder you were not able to confirm
5 A. I spoke with Mr. Williams, and my	5 the allegations; is that correct?
6 conversation with him was merely to set	6 A. Yes.
7 up an appointment, if necessary. And	7 Q. And then you said, of those cases where
8 because we didn't discuss anything, in	8 you were not able to confirm the
9 my opinion, of substance other than a	9 allegations, none of those complainants
10 potential date, I didn't record it.	10 were arrested?
11 Q. So you and he talked about setting up a	11 A. That's correct.
12 meeting. And I believe you testified	12 Q. How many of those complainants were and
13 he said, If you need to talk to me, I'm	13 remained anonymous throughout the
14 available, or words to that extent?	14 investigation?
15 A. Yes, sir.	15 A. I have -- I don't know.
16 Q. And that was the substance of your	16 Q. You don't know one way or the other?
17 communication with him?	17 A. No, sir.
18 A. To the best of my recollection.	18 Q. So you could not tell us how many of
19 Q. About how long did that -- was that a	19 that 50 percent of complainants you
20 telephone conversation or face-to-face?	20 were able to even identify?
21 A. I believe that was just a telephone	21 A. No, I couldn't tell you that at this
22 conversation.	22 time.
23 Q. And about how long did that	23 Q. And, obviously, if you could not
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1 conversation last?	1 identify them, you could not arrest
2 A. I just remember a very brief exchange	2 them.
3 with him.	3 A. That's correct.
4 Q. Did you have any other communication	4 Q. Now, I noticed also that -- if you'll
5 with him beyond that one?	5 turn to 0005 of the exhibit, and take a
6 A. Nothing that I recall at this time.	6 moment to read over the second
7 Q. To the best of your knowledge, did he	7 paragraph on that page dealing with
8 have any other communication with	8 Ms. Chaseley Everage. In fact, would
9 anyone else in your agency, such as	9 you read that into the record, please,
10 Cliff Johnson?	10 sir?
11 A. To my knowledge, I don't believe so.	11 A. It says, On May 8th, I contacted
12 Q. Did he during the course of the	12 Ms. Chaseley Weeks, former employee of
13 investigation with you indicate in any	13 National Seating & Mobility. And
14 way that he was part of an agreement to	14 actually, her name is Chaseley Weeks
15 injure someone or Elizabeth Horton by	15 but this Everage, I believe, is her
16 lawful or unlawful means?	16 married name; so that's why the two
17 A. If I had received any information of	17 names are there, why I'm using the two
18 that nature, I would have notated it.	18 names.
19 Q. And you did not.	19 Despite several attempts, she
20 A. I did not.	20 refused to cooperate with this
21 Q. You testified that you had done about	21 investigation and would not return call
22 seventy cases and in about fifty of	22 nor set up a meeting.
23 these cases, you had confirmed the	23 Q. So it doesn't say anything in there

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<p>1 that she said she had some information</p> <p>2 or believed that there may have been</p> <p>3 some cases that Medicaid might want to</p> <p>4 investigate. Could you have been</p> <p>5 mistaken when you earlier testified</p> <p>6 that that's what she told you?</p> <p>7 A. No, sir. What happened was, I</p> <p>8 basically found her -- I arrived at her</p> <p>9 doorstep one day, identified myself,</p> <p>10 asked to speak to her regarding</p> <p>11 National Seating & Mobility. She</p> <p>12 stated that she had someplace to be,</p> <p>13 and I told her that I would like to sit</p> <p>14 down and interview her and if we could</p> <p>15 schedule another time where we could</p> <p>16 sit down and discuss this. She agreed</p> <p>17 to do so. But after that point, I was</p> <p>18 never able to reach her. She would not</p> <p>19 return my calls. I placed several</p> <p>20 phone calls in an attempt to set up</p> <p>21 this interview.</p> <p>22 Q. Did she at that time tell you that she</p> <p>23 had some information?</p>	<p>1 A. No, sir.</p> <p>2 Q. On page 0004 through 0005, you</p> <p>3 summarized what Ms. Horton told you.</p> <p>4 If you want to take moment to look over</p> <p>5 that, please do.</p> <p>6 (Brief pause while witness</p> <p>7 reviews document)</p> <p>8 A. Okay.</p> <p>9 Q. And is this paragraph on these two</p> <p>10 pages a fair and accurate</p> <p>11 representation of what Ms. Horton told</p> <p>12 you when you met with her?</p> <p>13 A. Yes, sir.</p> <p>14 Q. And did you understand yourself at the</p> <p>15 time you wrote this summary to be under</p> <p>16 an obligation to be truthful in what</p> <p>17 you wrote down?</p> <p>18 A. Yes, sir.</p> <p>19 Q. And complete and accurate?</p> <p>20 A. Yes, sir.</p> <p>21 Q. And did you fulfill that obligation so</p> <p>22 far as you know?</p> <p>23 A. Yes, sir.</p>
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<p>1 A. She told me she had some information</p> <p>2 about National Seating & Mobility,</p> <p>3 there was some things that we may have</p> <p>4 been interested in, but there was</p> <p>5 nothing that was elaborated on at that</p> <p>6 point.</p> <p>7 Q. Do you know whether this information</p> <p>8 that she claimed to have even related</p> <p>9 to the subject that you were</p> <p>10 investigating?</p> <p>11 A. Well, I spoke to her about my</p> <p>12 investigation of National Seating &</p> <p>13 Mobility. I don't know what the</p> <p>14 information was she had.</p> <p>15 Q. So you don't know if it related to</p> <p>16 allegations of fraudulent signatures or</p> <p>17 double-billing for parts or people not</p> <p>18 getting the wheelchairs they were</p> <p>19 supposed to be, the same allegations</p> <p>20 that apparently were made by</p> <p>21 Ms. Horton?</p> <p>22 A. No, I don't.</p> <p>23 Q. You don't know one way or the other?</p>	<p>1 Q. Did Ms. Horton tell you anything about</p> <p>2 what her job responsibilities were at</p> <p>3 National Mobility?</p> <p>4 A. We discussed them, but I don't recall</p> <p>5 them at this point.</p> <p>6 Q. Are there any other people that you</p> <p>7 spoke with who are not indicated in the</p> <p>8 report?</p> <p>9 A. No one that I can think of.</p> <p>10 Q. And you would have written down other</p> <p>11 people that you spoke with if they told</p> <p>12 you anything substantive?</p> <p>13 A. Yes, sir.</p> <p>14 Q. You said that Felecia Barrow complained</p> <p>15 that they were getting an unusually</p> <p>16 large number of requests from National</p> <p>17 Mobility System for extensions?</p> <p>18 A. Yes, sir.</p> <p>19 Q. Do you know what percentage of the</p> <p>20 paperwork Ms. Barrow's office was</p> <p>21 receiving from providers was from</p> <p>22 National Mobility System as opposed to</p> <p>23 others?</p>

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<p>1 A. No, sir.</p> <p>2 Q. So it could have been that simply --</p> <p>3 I'll just make up a hypothetical -- 75</p> <p>4 percent of the paperwork she was</p> <p>5 receiving was from National Mobility;</p> <p>6 and if that were the case and they were</p> <p>7 requesting extensions, unless you went</p> <p>8 back and looked at that, you wouldn't</p> <p>9 have known that they were requesting</p> <p>10 extensions at the same rate as other</p> <p>11 people, if you understand my</p> <p>12 hypothetical.</p> <p>13 A. I wouldn't even want to attempt to</p> <p>14 address that. I have no idea.</p> <p>15 Q. But without knowing what percentage of</p> <p>16 the requests they were receiving, what</p> <p>17 percentage of the paperwork they were</p> <p>18 receiving, was from which provider, you</p> <p>19 really couldn't determine whether or</p> <p>20 not somebody was making an above-</p> <p>21 average number of requests for</p> <p>22 extensions, could you?</p> <p>23 A. I wouldn't have access to that</p>	<p>1 In speaking with Chaseley Weeks, you</p> <p>2 said you went out to her house and met</p> <p>3 with her there?</p> <p>4 A. Yes, sir.</p> <p>5 Q. And did she appear to have someplace</p> <p>6 that she was actually headed?</p> <p>7 A. I just accepted her at her word.</p> <p>8 Q. I mean, did you sit around to see if</p> <p>9 she actually left after --</p> <p>10 A. No, I didn't do that.</p> <p>11 Q. Did she tell you why she was no longer</p> <p>12 at NSM?</p> <p>13 A. Not that I recall. My recollection of</p> <p>14 Ms. Weeks, we spoke -- I don't think we</p> <p>15 spoke for much more than five, ten</p> <p>16 minutes. Most of that was my</p> <p>17 introduction and explaining why I'm</p> <p>18 here and why I would like to sit down</p> <p>19 and talk to her.</p> <p>20 Q. Did she say anything about whether she</p> <p>21 left NSM on good terms or bad terms?</p> <p>22 A. I don't recall.</p> <p>23 Q. Do you know if she was employed at the</p>
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<p>1 information. I would not be able to</p> <p>2 come up with an answer for that.</p> <p>3 Q. All right. So that was her conclusion</p> <p>4 but not your conclusion?</p> <p>5 A. That's her conclusion.</p> <p>6 Q. Did anyone at any time ever tell you</p> <p>7 that Mr. Williams was trying to get</p> <p>8 Elizabeth Horton, or any words to that</p> <p>9 effect?</p> <p>10 A. Not that I recall, no.</p> <p>11 Q. Or that Mr. Williams was in a</p> <p>12 conspiracy to get Ms. Elizabeth Horton?</p> <p>13 A. Not that I'm aware of.</p> <p>14 Q. You have no information about that one</p> <p>15 way or the other?</p> <p>16 A. No, sir.</p> <p>17 MR. WALKER: That's all I</p> <p>18 have at this time.</p> <p>19 Thank you, sir.</p> <p>20 EXAMINATION</p> <p>21 BY MR. STEWART:</p> <p>22 Q. Mr. Green, we've met before. My name</p> <p>23 is Chuck Stewart and I represent NSM.</p>	<p>1 time you met with her?</p> <p>2 A. My understanding is that she wasn't at</p> <p>3 that time.</p> <p>4 Q. Whatever it was that she had to say,</p> <p>5 she was not specific on that date; is</p> <p>6 that correct?</p> <p>7 A. That's correct.</p> <p>8 Q. When you showed Ms. Horton this list of</p> <p>9 recipients, where is it that you had</p> <p>10 gotten that list of recipients, I guess</p> <p>11 clients, I think you called it at one</p> <p>12 time, NSM's clients?</p> <p>13 A. What we're able to do is, each</p> <p>14 provider -- which NSM would be</p> <p>15 considered, is a provider -- you're</p> <p>16 assigned a number. And with your</p> <p>17 number, we would be able to put that</p> <p>18 into our system and then pull up a</p> <p>19 client list of yours, of our recipients</p> <p>20 only.</p> <p>21 Q. So that's a list that you pulled from</p> <p>22 your own in-house data?</p> <p>23 A. Yes, sir.</p>

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<p>1 Q. Mr. Green, if you had found any</p> <p>2 evidence of fraud, would you have</p> <p>3 reported it?</p> <p>4 A. Yes, sir.</p> <p>5 Q. You talked with a number of folks, and</p> <p>6 I won't take you back through all</p> <p>7 those. But it looked like almost as</p> <p>8 many as ten different people that you</p> <p>9 spoke with?</p> <p>10 A. Approximately, yes.</p> <p>11 Q. And then you also had a number of</p> <p>12 people on the NSM client list that you</p> <p>13 called?</p> <p>14 A. Yes.</p> <p>15 Q. Did I see somewhere in the report that</p> <p>16 you may have called as many as</p> <p>17 twenty-three people?</p> <p>18 A. No, sir. I believe what it is, is I</p> <p>19 identified the -- well, she identified</p> <p>20 twenty-three; and of the twenty-three,</p> <p>21 I contacted a sampling.</p> <p>22 Q. Did you feel like you spoke with enough</p> <p>23 of those people to reach the</p>	<p>1 Q. Did they make their files available to</p> <p>2 you?</p> <p>3 A. Yes, they did.</p> <p>4 Q. Did you talk with in-house counsel of</p> <p>5 NSM and ask to see some documents?</p> <p>6 A. Yes, I did.</p> <p>7 Q. And did you receive those documents</p> <p>8 that you requested?</p> <p>9 A. Yes, I did.</p> <p>10 Q. Were any kept from you?</p> <p>11 A. To the best of my recollection, I was</p> <p>12 given what I asked for.</p> <p>13 Q. Did you detect anything in your</p> <p>14 conversation with in-house counsel that</p> <p>15 he was being somehow cagey with you or</p> <p>16 not being forthright and honest?</p> <p>17 A. No. I had no problems with their</p> <p>18 attorneys.</p> <p>19 Q. And did you receive the information you</p> <p>20 requested promptly?</p> <p>21 A. Yes.</p> <p>22 Q. Did you also ask to review files at the</p> <p>23 local office of NSM?</p>
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<p>1 conclusions that you did?</p> <p>2 A. Yes, sir.</p> <p>3 Q. Do you feel that your investigation was</p> <p>4 thorough?</p> <p>5 A. Yes, sir.</p> <p>6 Q. In addition to reviewing the documents</p> <p>7 that you had in-house to speaking with</p> <p>8 a sampling of the twenty-three NSM</p> <p>9 clients and to interviewing the various</p> <p>10 witnesses, were you also provided with</p> <p>11 some documents?</p> <p>12 A. Yes, sir.</p> <p>13 Q. And did you get documents from NSM?</p> <p>14 A. Received the information from NSM, yes.</p> <p>15 Q. Did NSM control your investigation in</p> <p>16 any respects?</p> <p>17 A. No, sir.</p> <p>18 Q. Did you tell NSM what it was that you</p> <p>19 wanted to see?</p> <p>20 A. Yes, I did.</p> <p>21 Q. Was NSM forthcoming in providing the</p> <p>22 information you wanted to see?</p> <p>23 A. Yes, sir.</p>	<p>1 A. Yes, I did.</p> <p>2 Q. And did you make copies of those files</p> <p>3 or do you know which ones you reviewed</p> <p>4 actually?</p> <p>5 A. I believe we reviewed most of them. I</p> <p>6 think there were some copies made. I</p> <p>7 don't exactly remember what. But I was</p> <p>8 able to go through and obtain what I</p> <p>9 needed.</p> <p>10 Q. Did anybody say you can't have that</p> <p>11 document?</p> <p>12 A. No, sir.</p> <p>13 Q. Or put up any roadblocks to your</p> <p>14 investigation?</p> <p>15 A. No, sir.</p> <p>16 Q. Were the files of NSM in Montgomery</p> <p>17 made available to you?</p> <p>18 A. Yes, sir.</p> <p>19 Q. And is it true that you investigated</p> <p>20 this matter until you were convinced</p> <p>21 that there was nothing there in terms</p> <p>22 of fraud?</p> <p>23 A. Yes, sir.</p>

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<p>1 Q. In your investigation, you said that</p> <p>2 Felecia Barrow told you that she had</p> <p>3 requested that NSM provide her with an</p> <p>4 explanation for any late claim forms.</p> <p>5 A. Or extensions.</p> <p>6 Q. So any explanation for -- excuse me --</p> <p>7 for any extension, she was going to</p> <p>8 require NSM to provide an explanation?</p> <p>9 A. Yes, sir.</p> <p>10 Q. Do you know whether she ever required</p> <p>11 any of the other durable medical</p> <p>12 equipment providers to provide an</p> <p>13 explanation for their extensions?</p> <p>14 A. I wouldn't know the answer to that.</p> <p>15 Q. Do you know why Ms. Barrow is no longer</p> <p>16 at Alabama Medicaid?</p> <p>17 A. She took another position.</p> <p>18 Q. Also with Alabama Medicaid or is she</p> <p>19 employed somewhere else?</p> <p>20 A. I believe it's another position with</p> <p>21 the state, but not Medicaid.</p> <p>22 Q. Do you know whether she was asked to</p> <p>23 leave state Medicaid?</p>	<p>1 A. I have no arrest authority.</p> <p>2 Q. Well, did they ask that somebody arrest</p> <p>3 her?</p> <p>4 A. This was done prior to my involvement,</p> <p>5 so I have no idea as to any comments</p> <p>6 that may have taken place between the</p> <p>7 attorney general's office and National</p> <p>8 Seating.</p> <p>9 Q. In your investigation, did you see</p> <p>10 anything in there where NSM had asked</p> <p>11 or suggested that Ms. Horton be</p> <p>12 arrested?</p> <p>13 A. Nothing that I noticed, no.</p> <p>14 (Brief pause)</p> <p>15 Q. In your experience as an investigator,</p> <p>16 I'm sure you've received some type of</p> <p>17 training in interview techniques?</p> <p>18 A. Yes, sir.</p> <p>19 Q. Have you received training in how to</p> <p>20 tell if someone is telling you the</p> <p>21 truth or not telling the truth?</p> <p>22 A. I've received training on it, yes.</p> <p>23 Q. Have you received training on how</p>
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<p>1 A. I don't know.</p> <p>2 Q. Do you know where she is employed now?</p> <p>3 A. I don't have it with me, but I was able</p> <p>4 to contact her so -- but no, I don't</p> <p>5 know right off the top of my head.</p> <p>6 Q. You did not make the decision to arrest</p> <p>7 Elizabeth Horton?</p> <p>8 A. No. That was done all prior to my</p> <p>9 involvement in this investigation.</p> <p>10 Q. And you testified in response to</p> <p>11 Ms. Nickson's questions that you don't</p> <p>12 know what all they had in terms of</p> <p>13 probable cause?</p> <p>14 A. That's correct.</p> <p>15 Q. And by "they had," who is it that you</p> <p>16 mean?</p> <p>17 A. When I say "they," I'm referring to the</p> <p>18 attorney general's office, who I</p> <p>19 believe lodged the charges.</p> <p>20 Q. National Seating did not arrest</p> <p>21 Ms. Horton, did they?</p> <p>22 A. No.</p> <p>23 Q. Did they ask you to arrest her?</p>	<p>1 important it is not to jump to a</p> <p>2 conclusion that someone is necessarily</p> <p>3 lying to you?</p> <p>4 A. That's correct.</p> <p>5 Q. There are a number of factors that you</p> <p>6 need to have as an investigator before</p> <p>7 you're able to conclude that someone is</p> <p>8 actually lying to you?</p> <p>9 A. Yes, sir.</p> <p>10 Q. Do you feel like you have all those</p> <p>11 factors that you would need to</p> <p>12 determine whether someone was lying to</p> <p>13 you with respect to Ms. Horton?</p> <p>14 A. With respect to Ms. Horton, yes, I feel</p> <p>15 that I received the factors. And I</p> <p>16 feel that she believed she was telling</p> <p>17 me or giving me credible information.</p> <p>18 And this information just didn't pan</p> <p>19 out.</p> <p>20 Q. Do you know anything about her mental</p> <p>21 state at the time you were</p> <p>22 investigating her?</p> <p>23 A. No, sir.</p>

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<p>1 Q. Do you know whether she was on any</p> <p>2 medication at the time you investigated</p> <p>3 her?</p> <p>4 A. I would not have gotten into all of</p> <p>5 that.</p> <p>6 Q. How much time total did you spend with</p> <p>7 her?</p> <p>8 A. Well, I want to say the first day we</p> <p>9 spoke -- I want to say the first day,</p> <p>10 we spoke for maybe forty-five minutes</p> <p>11 to an hour. We've had probably a dozen</p> <p>12 or so phone conversations. I couldn't</p> <p>13 give you any time on that. So I don't</p> <p>14 really know how to quantitate that, but</p> <p>15 I've had several or just say numerous</p> <p>16 opportunities to speak with Ms. Horton.</p> <p>17 Q. And in that one-hour meeting and the</p> <p>18 dozen or so phone calls that followed,</p> <p>19 was -- she was never able to identify</p> <p>20 one single piece of evidence to</p> <p>21 substantiate her claim that some fraud</p> <p>22 was taking place?</p> <p>23 A. That's correct.</p>	<p>1 Mobility's Medicaid recipients or</p> <p>2 clients.</p> <p>3 Q. Have you seen that list before?</p> <p>4 A. Yes, sir, I have.</p> <p>5 Q. Did you discuss this list with</p> <p>6 Ms. Horton?</p> <p>7 A. Yes, sir, I did.</p> <p>8 Q. Did she give you any information about</p> <p>9 that list?</p> <p>10 A. Did she give me any information about</p> <p>11 it?</p> <p>12 Q. Yes, sir. Did she state to you</p> <p>13 anything about that list, whether the</p> <p>14 significance of the list or whether it</p> <p>15 was insignificant?</p> <p>16 A. She just produced a list, as I recall.</p> <p>17 Q. There are checkmarks by a number of the</p> <p>18 names on that list. Did you make those</p> <p>19 checkmarks?</p> <p>20 A. Judging by the writing that's on here,</p> <p>21 I'm going to say no.</p> <p>22 Q. Did Ms. Horton make those checkmarks?</p> <p>23 A. The list that I had Ms. Horton review,</p>
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<p>1 Q. She was not able to give you one single</p> <p>2 name of a witness that had any evidence</p> <p>3 of fraud?</p> <p>4 A. That's correct.</p> <p>5 MR. STEWART: That's all I</p> <p>6 have. Thank you, sir.</p> <p>7 EXAMINATION</p> <p>8 BY MR. WALLACE:</p> <p>9 Q. I'm Jack Wallace. I represent Gerald</p> <p>10 Shockley. I believe that you testified</p> <p>11 earlier that Ms. Horton made some</p> <p>12 allegations that wheelchairs were not</p> <p>13 delivered to clients?</p> <p>14 A. That . . .</p> <p>15 MR. WALLACE: Where's your</p> <p>16 list?</p> <p>17 (Off-the-record discussion)</p> <p>18 Q. Let me ask you to identify the document</p> <p>19 that I've handed you, the Bates</p> <p>20 numbers, please, sir.</p> <p>21 A. They're Bates Nos. 0045 through 51.</p> <p>22 Q. And what is that document?</p> <p>23 A. This is a list of National Seating &</p>	<p>1 I also had her initial. Okay? And I</p> <p>2 don't see her initials here, and I</p> <p>3 don't see any markings from myself on</p> <p>4 here. So I'm going to say that this is</p> <p>5 not the list that we used.</p> <p>6 Q. Is this the list that you were shown</p> <p>7 earlier --</p> <p>8 A. Yes, sir.</p> <p>9 Q. -- in this deposition?</p> <p>10 MS. NICKSON: That's the</p> <p>11 same one.</p> <p>12 Q. So there is yet another list out there;</p> <p>13 is that correct?</p> <p>14 A. Yes.</p> <p>15 Q. Is that in your files at Medicaid?</p> <p>16 A. Yes, it will be.</p> <p>17 Q. Thank you. But did Ms. Horton at any</p> <p>18 time say that there were clients who</p> <p>19 did not receive the wheelchairs they</p> <p>20 were supposed to receive?</p> <p>21 A. They didn't receive the wheelchairs --</p> <p>22 mostly it was they didn't receive them</p> <p>23 in a timely fashion, things of that</p>

20 (Pages 77 to 80)

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<p>1 nature.</p> <p>2 Q. Now, were those the twenty-three</p> <p>3 clients that you interviewed or</p> <p>4 contacted?</p> <p>5 A. I didn't interview the whole</p> <p>6 twenty-three. I interviewed a sampling</p> <p>7 of the twenty-three people that she</p> <p>8 identified from a list similar to this</p> <p>9 one.</p> <p>10 Q. I'm sorry. I misspoke. My question</p> <p>11 is, the twenty-three that she</p> <p>12 identified, did she identify those as</p> <p>13 people who were having difficulties</p> <p>14 with the wheelchairs, either not</p> <p>15 receiving them or not receiving them in</p> <p>16 a timely manner?</p> <p>17 A. The way she explained it to me was</p> <p>18 these are people that she remembered</p> <p>19 from her time of employment with</p> <p>20 National Seating & Mobility. She was</p> <p>21 not able to clearly state that these</p> <p>22 are people that have problems. These</p> <p>23 are merely names that I remember from</p>	<p>1 asked questions of National Seating &</p> <p>2 Mobility, how do they do certain</p> <p>3 things, just to kind of get some</p> <p>4 understanding.</p> <p>5 Q. Yes, sir.</p> <p>6 A. Okay. After that, they were pretty</p> <p>7 much advised as to what we were looking</p> <p>8 for, and that information was hand-</p> <p>9 delivered later. The amount of</p> <p>10 information that we were attempting to</p> <p>11 review would have been too much for</p> <p>12 them to pull at that moment.</p> <p>13 Q. So at your impromptu visit, there was</p> <p>14 no review of the files. You were just</p> <p>15 basically talking to them,</p> <p>16 understanding their system?</p> <p>17 A. To some degree, yes.</p> <p>18 Q. And then letting them know that you</p> <p>19 would do a further investigation?</p> <p>20 A. Yes.</p> <p>21 Q. All right. And then at some point in</p> <p>22 time, you requested a list of files for</p> <p>23 your review?</p>
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<p>1 my employment there.</p> <p>2 Q. And based on your sampling, you did not</p> <p>3 identify any problems with the receipt</p> <p>4 of services by those clients?</p> <p>5 A. They had received their products.</p> <p>6 That's correct.</p> <p>7 MR. WALLACE: That's all I</p> <p>8 have.</p> <p>9 EXAMINATION</p> <p>10 BY MS. NICKSON:</p> <p>11 Q. Just a few more. Was your visit to</p> <p>12 National Seating & Mobility, was it</p> <p>13 impromptu?</p> <p>14 A. Yes, it was.</p> <p>15 Q. And at your impromptu visit, what did</p> <p>16 you do? Did you review the files? Did</p> <p>17 you have a list of files with you and</p> <p>18 did they pull them at that time and let</p> <p>19 you review them?</p> <p>20 A. Well, there's two visits. My initial</p> <p>21 visit was, I went -- it was an</p> <p>22 impromptu visit. I went with Chief</p> <p>23 Investigator Johnson, where we just</p>	<p>1 A. Yes, ma'am.</p> <p>2 Q. And is it fair to say that they could</p> <p>3 have corrected any deficiencies --</p> <p>4 MR. STEWART: Object to the</p> <p>5 form.</p> <p>6 MR. WALKER: Objection to</p> <p>7 form.</p> <p>8 Q. -- between the time of the request and</p> <p>9 the time that you reviewed?</p> <p>10 MR. STEWART: Same</p> <p>11 objection.</p> <p>12 MR. WALKER: Same objection.</p> <p>13 A. The only way I can answer that question</p> <p>14 is that there was a time difference</p> <p>15 between the time that I requested and</p> <p>16 the time that I received the</p> <p>17 information. But there was no</p> <p>18 indications that I was able to pick up</p> <p>19 on that anything had been modified.</p> <p>20 Q. All right. But it is fair to say that</p> <p>21 they could have corrected any</p> <p>22 infractions?</p> <p>23 MR. STEWART: Object to the</p>

21 (Pages 81 to 84)

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<p>1 form.</p> <p>2 MR. WALKER: Same objection.</p> <p>3 A. They had -- there was time. They could</p> <p>4 have.</p> <p>5 Q. Yeah. Okay. Now, the files that you</p> <p>6 reviewed for the possible infractions,</p> <p>7 are these files that had already been</p> <p>8 approved by Medicaid?</p> <p>9 A. I would say yes, because the equipment</p> <p>10 was delivered and they were paid for.</p> <p>11 Q. All right. Let me ask you this. In</p> <p>12 your investigation, did you request to</p> <p>13 look at a sample of -- I don't know</p> <p>14 what to call it. When a recipient</p> <p>15 makes a request for a product service,</p> <p>16 did you -- and the request has not yet</p> <p>17 been approved -- did you look at any of</p> <p>18 those files?</p> <p>19 A. Are you referring to, like, the prior</p> <p>20 approval request?</p> <p>21 Q. Yes, sir.</p> <p>22 A. Is that what you're referring --</p> <p>23 Q. Yes, sir.</p>	<p>1 MR. WALKER: Same objection.</p> <p>2 A. They should have been dated, to my</p> <p>3 understanding.</p> <p>4 Q. All right. But you didn't list that in</p> <p>5 your report?</p> <p>6 A. No, ma'am, I did not.</p> <p>7 Q. All right. Based on your</p> <p>8 understanding, that would have been a</p> <p>9 violation of the policy with Medicaid.</p> <p>10 Am I correct?</p> <p>11 MR. WALKER: Object to the</p> <p>12 form.</p> <p>13 MR. STEWART: Object to the</p> <p>14 form.</p> <p>15 A. I would have -- yes, I would have</p> <p>16 looked at that as a minor violation.</p> <p>17 Q. But it would also confirm a complaint</p> <p>18 that Elizabeth had made. Am I correct?</p> <p>19 MR. STEWART: Object to the</p> <p>20 form.</p> <p>21 MR. WALKER: Object to the</p> <p>22 form.</p> <p>23 A. It would have confirmed that point,</p>
Page 86	Page 88
<p>1 A. Yes, I did look at some.</p> <p>2 Q. Did you look at any files where there</p> <p>3 had been service by the physical</p> <p>4 therapist?</p> <p>5 A. I looked at the physical therapist</p> <p>6 files; I looked at some of theirs.</p> <p>7 Repeat that question for me. I'm</p> <p>8 not . . .</p> <p>9 Q. Okay. In your review, were there any</p> <p>10 dates left off of the physical therapy</p> <p>11 clinic visits?</p> <p>12 A. There were some dates missing, yes.</p> <p>13 Q. All right. Did you make a copy of</p> <p>14 those that were missing dates?</p> <p>15 A. I remember copying files; and in those</p> <p>16 files, it should contain files both</p> <p>17 with and without dates.</p> <p>18 Q. Okay. And for the documents where the</p> <p>19 physical therapy clinic visit dates</p> <p>20 were missing, should dates have been on</p> <p>21 those documents?</p> <p>22 MR. STEWART: Object to the</p> <p>23 form.</p>	<p>1 yes.</p> <p>2 Q. All right. Now, you also talked about</p> <p>3 when you -- Elizabeth identified</p> <p>4 twenty-three people off a list, and</p> <p>5 you've already said that the list as</p> <p>6 before you is not the one that she used</p> <p>7 to identify your sample of twenty-three</p> <p>8 people.</p> <p>9 A. That's correct.</p> <p>10 MS. NICKSON: If we could</p> <p>11 mark -- it's Bates Drab</p> <p>12 0045 through 0051. If</p> <p>13 we could mark that as</p> <p>14 Exhibit #2.</p> <p>15 (Plaintiff's Exhibit #2 was</p> <p>16 marked for identification.)</p> <p>17 MS. NICKSON: And while</p> <p>18 we're at it . . .</p> <p>19 (Plaintiff's Exhibit #3 was</p> <p>20 marked for identification.)</p> <p>21 Q. Now, you've said that she may have</p> <p>22 chosen names off of a similar-looking</p> <p>23 list, but this one that we're marking</p>

22 (Pages 85 to 88)

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1 as Exhibit #2 is not the list that you	1 introduce myself, but I think we know
2 used.	2 each other. But for the record, I'm
3 A. That's correct.	3 Dorman Walker and I represent Don
4 Q. And your list, actually, you said she	4 Williams. And did you know who I
5 initialled?	5 represented when I was asking you
6 A. I asked her to initial.	6 questions earlier?
7 Q. And that's good investigative skills.	7 A. We spoke when I walked in, yes.
8 Am I correct?	8 Q. So you did. Okay. Would it have made
9 A. I don't know if it's good or not, but	9 any difference in how you answered?
10 it's a system.	10 A. No, sir.
11 Q. If anybody has a question in the future	11 Q. All right. Look at the list which has
12 as to who identified that particular	12 been marked as Defendants' Exhibit #2
13 line, then you would have proof --	13 [sic]. And do you have --
14 A. Yes, ma'am.	14 MS. NICKSON: Plaintiff's
15 Q. -- that's it the complainant by the	15 Exhibit.
16 initial. Am I correct?	16 MR. WALKER: Deborah, I
17 A. Yes.	17 don't have, for some
18 Q. Just simply looking at that document,	18 reason, a Bates-numbered
19 you can't really identify who checked	19 copy of the AG report.
20 that, can you?	20 Do you have those pages
21 A. No.	21 that come after that
22 Q. All right. Now, you said you	22 that I could --
23 interviewed a sample of the	23 MS. NICKSON: Which one,
Page 90	Page 92
1 twenty-three that Elizabeth identified	1 now?
2 for you. What number out of the	2 MR. WALKER: It would be
3 twenty-three did you consider as a good	3 right after the last
4 sample?	4 page of the --
5 A. I contacted maybe six of the families.	5 MS. NICKSON: Sure.
6 Q. Okay. Six out of twenty-three. And	6 MR. WALKER: The hand-
7 they said no problem?	7 numbered page 22
8 A. They had no problem.	8 through, I guess --
9 Q. But Elizabeth never did say	9 MS. NICKSON: Are you saying
10 specifically that any of the	10 the list of the
11 twenty-three had a problem. She just	11 recipients?
12 identified these as clients or	12 MR. WALKER: No. The stuff
13 recipients she remembered --	13 in the AG's report that
14 A. That's correct.	14 comes after the list,
15 Q. -- when she was employed there?	15 all the way through to
16 A. I'm sorry. Yes, that's correct.	16 the end.
17 MS. NICKSON: All right. No	17 MR. STEWART: He's talking
18 further questions.	18 about Bates No. 62
19 EXAMINATION	19 through 107 and No. 22
20 BY MR. WALKER:	20 through 67.
21 Q. Mr. Green, if I may ask you a few more	21 MS. NICKSON: I probably --
22 questions. And earlier when I was	22 I don't have just a
23 asking you questions, I failed to	23 whole report. I wrote

23 (Pages 89 to 92)

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<p>1 mine down. I'm sorry.</p> <p>2 Q. (By Mr. Walker) Let me show you what</p> <p>3 I'm going to mark as --</p> <p>4 MR. WALKER: You've written</p> <p>5 on yours. Mine is</p> <p>6 unBates-numbered. Can</p> <p>7 we agree that I'll put</p> <p>8 this in without Bates</p> <p>9 numbers and then, for</p> <p>10 our future convenience,</p> <p>11 substitute with a Bates-</p> <p>12 numbered copy of this?</p> <p>13 Does anybody --</p> <p>14 MS. NICKSON: We can agree</p> <p>15 on that.</p> <p>16 MR. WALKER: -- have an</p> <p>17 objection to that?</p> <p>18 MS. NICKSON: No.</p> <p>19 MR. WALKER: I'm going to</p> <p>20 mark this as Defendant</p> <p>21 Exhibit Williams #1 or</p> <p>22 do y'all want to</p> <p>23 continue numbers for</p>	<p>1 are a series of summaries of interviews</p> <p>2 that Mr. Shockley did with people</p> <p>3 who -- if I may look with you for just</p> <p>4 a second. I apologize -- with people</p> <p>5 who received or were clients of</p> <p>6 National Seating; is that correct?</p> <p>7 A. Yes, sir.</p> <p>8 Q. And that would go from page 22 to --</p> <p>9 hand-numbered pages 22 through 48; is</p> <p>10 that correct?</p> <p>11 A. Yes, sir.</p> <p>12 Q. And take a moment to look at that if</p> <p>13 you want to.</p> <p>14 (Brief pause while witness</p> <p>15 reviews document)</p> <p>16 Q. And did any of the clients of National</p> <p>17 Seating who were interviewed indicate</p> <p>18 they had any problems with National</p> <p>19 Seating or any dissatisfaction?</p> <p>20 A. The only thing that I -- was ever</p> <p>21 identified was sometimes that the</p> <p>22 equipment was a little slow in getting</p> <p>23 there. But other than that, they were</p>
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<p>1 exhibits consecutively</p> <p>2 throughout this case?</p> <p>3 MS. NICKSON: Probably</p> <p>4 continuous.</p> <p>5 MR. WALKER: That makes it</p> <p>6 easier. So this would</p> <p>7 be #4.</p> <p>8 (Defendants' Exhibit #4 was</p> <p>9 marked for identification.)</p> <p>10 Q. (By Mr. Walker) Mr. Green, let me show</p> <p>11 you what I've marked as Exhibit #4 and</p> <p>12 ask you if you can identify that, sir.</p> <p>13 A. This is a copy of the report that I</p> <p>14 received from Mr. Shockley, Special</p> <p>15 Agent Shockley, from the attorney</p> <p>16 general's office.</p> <p>17 Q. And did you review and consider that</p> <p>18 report as a part of your investigation?</p> <p>19 A. Yes, I did.</p> <p>20 Q. And turn to page 22, please, sir, of</p> <p>21 that report, hand-numbered page 22.</p> <p>22 (Witness complied.)</p> <p>23 Q. And it looks to me like what follows</p>	<p>1 satisfied with the equipment and had no</p> <p>2 complaints.</p> <p>3 Q. And you considered those interviews</p> <p>4 done by Mr. Shockley as well as your</p> <p>5 own interviews in reaching your</p> <p>6 conclusion, did you not?</p> <p>7 A. Yes, sir, I did.</p> <p>8 Q. Was that an appropriate thing for you</p> <p>9 to do as an investigator?</p> <p>10 A. Yes, sir.</p> <p>11 Q. And why is that?</p> <p>12 A. I think that as an investigator, if</p> <p>13 there is an investigation done, you</p> <p>14 should consider that information as</p> <p>15 well and couple that with your own to</p> <p>16 come to your own conclusion. Based on</p> <p>17 the fact that he had conducted what</p> <p>18 we're estimating to be twenty or so</p> <p>19 interviews, there was really no need</p> <p>20 for me to go out and do the same work.</p> <p>21 Q. You didn't feel a need to reinterview</p> <p>22 the same people?</p> <p>23 A. No, sir.</p>

24 (Pages 93 to 96)

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1 Q. And did you have reason to believe or	1 MR. STEWART: Object to the
2 to have confidence in the quality of	2 form.
3 the investigation done by Agent	3 MR. WALKER: Object to the
4 Shockley?	4 form.
5 A. I have no question in his investigative	5 Q. -- February 16, 2005, memo?
6 ability, so I would accept that he did	6 MR. STEWART: Same
7 what he was supposed to do, yes.	7 objection.
8 MR. WALKER: That's all I	8 Q. That was done -- now, that was part of
9 have, Mr. Green. Thank	9 the prior investigation against
10 you very much.	10 National Seating & Mobility.
11 MR. STEWART: I don't have	11 MR. STEWART: Object to the
12 any questions. I've got	12 form.
13 a statement to make at	13 MR. WALKER: Same objection.
14 the end.	14 A. I have looked at this. I looked into
15 EXAMINATION	15 this.
16 BY MS. NICKSON:	16 Q. Did you talk with Teresa?
17 Q. I'm just wondering, like, with the	17 A. Yes, I did.
18 registered nurse, Teresa, Teresa makes	18 Q. And did she say?
19 a statement in that memo that's given	19 A. When I spoke with Teresa, we spoke
20 by Felecia Barrow, identified as	20 briefly about National Seating &
21 Plaintiff's Exhibit #3. She said that	21 Mobility --
22 she spoke with that physical therapist	22 Q. Yes, sir.
23 and, in essence, that there were no	23 A. -- just the way that the operation kind
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1 dates.	1 of works, how the complaint -- not the
2 MR. STEWART: What document	2 complaint but how the information from
3 are you on?	3 the PT comes in and then she will talk
4 MS. NICKSON: Plaintiff's	4 a little bit about the time frame. But
5 Exhibit #3.	5 there was nothing where she came up to
6 MR. STEWART: Bates number?	6 me or she produced a document that says
7 MS. NICKSON: Bates No. 14.	7 Document No. 111 is dated so and so and
8 Q. Teresa came across another assessment,	8 this was the one that they didn't do, I
9 which means -- another assessment means	9 guess, properly or didn't date.
10 that there was one before, which	10 Q. Do you know why she would say that the
11 suggests that -- completed by Michael	11 physical therapist said that they were
12 Maddox and placed a call to the	12 not supposed to put dates on them or
13 physical therapist to find out why the	13 something, it would mess up the vendor?
14 date was missing. The PT replied,	14 MR. STEWART: Object to the
15 Maybe we're not supposed to do this,	15 form.
16 but I never put dates on the	16 MR. WALKER: Same objection.
17 assessments or the prescriptions. It	17 A. I don't know why she said that. I do
18 messes up the vendor, like we're on a	18 know that there is a timetable involved
19 time clock. And it is odd on the	19 in this.
20 assessments that Mr. Maddox has done	20 Q. Yes, sir.
21 for the vendors have a date on -- for	21 A. There's X number of days from the time
22 other vendors have dates on them. Did	22 that the prior approval is first given
23 you review this --	23 to delivery of the product.

25 (Pages 97 to 100)

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<p>1 Q. And not placing dates would actually</p> <p>2 default the system, wouldn't it?</p> <p>3 MR. STEWART: Object to the</p> <p>4 form.</p> <p>5 MR. WALKER: Object to the</p> <p>6 form.</p> <p>7 A. Yes.</p> <p>8 Q. Yes, sir. Thank you.</p> <p>9 EXAMINATION</p> <p>10 BY MR. STEWART:</p> <p>11 Q. Mr. Green, some say lawyers have a</p> <p>12 great habit of never shutting up. I'm</p> <p>13 guilty of that.</p> <p>14 I'm looking back at that</p> <p>15 document we just talked about, Bates</p> <p>16 No. 14. That's a memorandum to</p> <p>17 Dr. McIntyre from Felecia Barrow; is</p> <p>18 that right?</p> <p>19 A. Yes, it is.</p> <p>20 Q. That's not a document you created.</p> <p>21 A. As I stated earlier, this was done</p> <p>22 prior to my employment with Medicaid.</p> <p>23 Q. Right. And it's not a document that</p>	<p>1 He was no longer employed with National</p> <p>2 Seating & Mobility at that time. Wait</p> <p>3 a minute. Let me take that back. I</p> <p>4 spoke with Mr. Rodgers. I don't know</p> <p>5 if I ever spoke with Mr. Maddox,</p> <p>6 because he was no longer employed</p> <p>7 during the course of my investigation</p> <p>8 and I don't know if I was ever able to</p> <p>9 contact him.</p> <p>10 Q. The top of that memorandum says that</p> <p>11 those -- that there were, like, two</p> <p>12 examples of wheelchair assessments that</p> <p>13 had been submitted by NSM that were</p> <p>14 missing the clinic dates. Two of the</p> <p>15 assessments were conducted by Gerry</p> <p>16 Rodgers, PT, and one by Michael Maddox,</p> <p>17 RPT, both of Children's Rehab Services.</p> <p>18 Did you ever have any information that</p> <p>19 Mr. Maddox or Rodgers actually worked</p> <p>20 for NSM?</p> <p>21 A. They never worked -- to my knowledge,</p> <p>22 they never worked for NSM.</p> <p>23 Q. Do you know, then, why -- well, strike</p>
Page 102	Page 104
<p>1 you're vouching for as being accurate</p> <p>2 in all respects, is it?</p> <p>3 A. I'm not disputing the information</p> <p>4 but . . .</p> <p>5 Q. But you have no personal knowledge of</p> <p>6 how accurate this document is?</p> <p>7 A. No, sir.</p> <p>8 Q. In fact, this appears to be hearsay on</p> <p>9 hearsay; is that right? Double</p> <p>10 hearsay.</p> <p>11 A. Yes.</p> <p>12 Q. Now, in your conversation with Teresa,</p> <p>13 did you discuss with her this alleged</p> <p>14 comment by Mr. Maddox that he never</p> <p>15 puts -- and I'm quoting -- quote, But I</p> <p>16 never put dates on the assessments or</p> <p>17 the prescriptions because it messes up</p> <p>18 the vendor, end quote?</p> <p>19 A. I don't remember having that particular</p> <p>20 conversation with her.</p> <p>21 Q. Did you ever talk with Mr. Maddox about</p> <p>22 that statement?</p> <p>23 A. I want to say I spoke with Mr. Maddox.</p>	<p>1 that.</p> <p>2 Did you ever get any information</p> <p>3 that NSM asked either Maddox or Rodgers</p> <p>4 to refrain from putting dates on the</p> <p>5 documents?</p> <p>6 A. I received no information to that.</p> <p>7 Q. I mean, to your knowledge, that may</p> <p>8 have just been something that</p> <p>9 Children's Rehab did as a service to</p> <p>10 NSM.</p> <p>11 A. I have no information one way or</p> <p>12 another.</p> <p>13 MR. STEWART: Okay. That's</p> <p>14 all I got.</p> <p>15 MR. WALLACE: My turn.</p> <p>16 EXAMINATION</p> <p>17 BY MR. WALLACE:</p> <p>18 Q. Mr. Green, do you routinely investigate</p> <p>19 people who have not been accused of</p> <p>20 wrongdoing?</p> <p>21 A. Do I investigate people that have --</p> <p>22 Q. Do you routinely investigate people who</p> <p>23 have not been identified as possible</p>

26 (Pages 101 to 104)

MERRILL LEGAL SOLUTIONS
Court Reporting*Legal Videography*Trial Services

Page 105	Page 107
1 wrongdoers?	1 list or something that
2 A. No, sir.	2 we need to be concerned
3 Q. You investigated the twenty-three names	3 about revealing
4 that Ms. Horton furnished to you, did	4 identifying information?
5 you not?	5 THE WITNESS: Yes, these are
6 A. Did I investigate them?	6 going to be Social
7 Q. Yes.	7 Security numbers.
8 A. Yes.	8 MR. STEWART: I think we
9 Q. And you said earlier that she did not	9 need to redact those at
10 indicate that those twenty-three names	10 some point --
11 were people that had done something	11 MR. WALKER: We really
12 wrong but that she just remembered	12 should redact them --
13 them. But, obviously, there was some	13 MR. STEWART: -- and maybe
14 implicit allegation against one or more	14 even their names.
15 of those twenty-three people --	15 MR. WALKER: -- before
16 MS. NICKSON: Object to the	16 they --
17 form.	17 MR. STEWART: Well, I guess
18 Q. -- was there not?	18 we can't do the names.
19 MS. NICKSON: Object to the	19 MR. WALKER: Well, I mean,
20 form.	20 we can put the names and
21 A. There was -- no, there was no	21 the last four, according
22 allegation.	22 to the court rules. But
23 Q. Then why did you investigate them?	23 we can't file this with
Page 106	Page 108
1 A. I investigated them based on her	1 the Social Security
2 complaint. These were the names that	2 numbers in it, according
3 she remembered from this time period	3 to the court rules.
4 of -- of the allegations, so I wanted	4 MR. STEWART: Can they be
5 to look into them to see if in fact I	5 made an actual exhibit
6 could identify any fraud. I didn't go	6 to the original
7 through and look at every person that	7 deposition with the
8 National Seating & Mobility had on	8 Social Security numbers
9 their client list. I only looked at	9 on it or should we under
10 those that she identified as names that	10 an abundance of caution
11 she was familiar with and not exactly	11 white them out?
12 knowing why she was familiar with these	12 MR. WALKER: Why don't we
13 names, but I looked at them as	13 agree to redact, whoever
14 potential fraud cases but was unable to	14 offered them, to redact
15 determine anything.	15 out the Social Security
16 MR. STEWART: My concern --	16 numbers. And we all
17 and this probably does	17 have an original copy of
18 need to be on the	18 it; we know the AG has a
19 record -- is that some	19 copy of it, should we
20 of these documents --	20 need that information
21 Mr. Green, are these	21 down the road. But the
22 Social Security numbers	22 official exhibit should
23 that are on this client	23 be redacted with Social

27 (Pages 105 to 108)

MERRILL LEGAL SOLUTIONS
Court Reporting*Legal Videography*Trial Services

<p style="text-align: right;">Page 109</p> <p>1 Security numbers. Is 2 that - 3 MR. STEWART: That's what I 4 think. 5 MR. WALKER: Yeah, I think 6 so, too. 7 MS. NICKSON: That's good. 8 MR. STEWART: And which of 9 these columns is the 10 Social Security number? 11 MS. NICKSON: On the ICN. 12 THE WITNESS: No, that's 13 incorrect. 14 MR. STEWART: The recipient 15 base ID? 16 THE WITNESS: Yeah. The 17 recipient base ID is 18 going to be the Social 19 Security number. 20 MR. STEWART: Okay. Thanks. 21 * * * * * 22 FURTHER DEPONENT SAITH NOT 23 * * * * *</p>	
<p style="text-align: right;">Page 110</p> <p>1 REPORTER'S CERTIFICATE 2 3 STATE OF ALABAMA) 4) 5 ELMORE COUNTY) 6 7 I do hereby certify that the above 8 and foregoing transcript was taken down 9 by me in stenotype, and the questions 10 and answers thereto were transcribed by 11 means of computer-aided transcription, 12 and that the foregoing represents a true 13 and correct transcript of the testimony 14 given by said witness. 15 I further certify that I am neither 16 of counsel, nor of any relation to the 17 parties to the action, nor am I anyway 18 interested in the result of said cause. 19 20 Barbara A. Howell, Certified 21 Court Reporter and Commissioner 22 for the State of Alabama at Large 23 ACCR NO. 123 - Expires 9/30/08 MY COMMISSION EXPIRES: 12/27/08</p>	

28 (Pages 109 to 110)

[3771_001.pdf]



Alabama Medicaid Agency

CONFIDENTIAL
MEDICAID
COMPLAINT

Continuation of Case

CASE NBR: _____

DATE ASSIGNED: _____

ASSIGNED TO: _____

#8-04 0150

COMPLAINANT

Anonymous

SUBJECTNational Senting and mobility
Prov. # 009814350COMPLAINTRECEIVED BY: CJDATE RECEIVED: 9-23-2005REFERRED BY:☐ P & S☐ Intra-Agency☐ Interagency☐ Telephone☐ Memo/Letter☐ Other

Hotline

ALLEGATION: Billing for services not rendered to recipientsSUMMARY: Also is forging recipients names on delivery tickets for durable medical equipment.

INVESTIGATOR: _____

DISPOSITION: _____

ASE REFERRED TO: _____

PLAINTIFF'S
EXHIBIT

1-green

APPROVED

Horton V. Williams- 1001

[3771_001.pdf]



BOB RILEY
Governor

Alabama Medicaid Agency

501 Dexter Avenue
P.O. Box 5624
Montgomery, Alabama 36103-5624

www.medicaid.state.al.us
e-mail: almedicaid@medicaid.state.al.us
TDD: 1-800-263-0799
1-800-382-1504 (334) 242-5000



CAROL A. HERRMANN-STECKEL, MPH
Commissioner

REPORT OF INVESTIGATION

CASE NUMBER: 8-04-0150

DATE OF REPORT: 7/6/2006

INVESTIGATOR: Anthony Green

TELEPHONE NUMBER: (334) 353-4526

PROVIDER NAME: National Seating and Mobility

PROVIDER NUMBER: 009814350

ADDRESS: 646 Oliver Road CITY: Montgomery

PHONE: (334) 273-1112

CASE REFERRED FROM: Anonymous Complaint

VIOLATION: Billing services not rendered.

SUMMARY OF FRAUDULENT ACTIVITY: On June 1, 2006, I met with Ms. Emily Williams, ATS, CRTS of National Seating & Mobility, 646 Oliver Road, Montgomery, Alabama, and Tim Maddox, National Seating & Mobility, Inc., 377 Riverside Drive, Suite 300, Franklin, TN 37064-5393 and reviewed the requested files. A review of these records revealed no signs of any criminal activity or wrong doing. At no time did this investigation reveal any signs of criminal or wrong doing. I request that this case be closed.

INVESTIGATION COMPLETED BY:

NAME Anthony Green

SIGNATURE 

TITLE Special Investigator

DATE 07/06/06

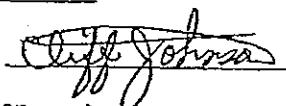
[3771_001.pdf]

I have reviewed the results of this investigation and recommend the following:

☒ Concur
☐ Does Not Concur

Reason for Non-Concurrence:

NAME Cliff Johnson

SIGNATURE 

TITLE Chief Investigator

DATE: 7-12-2006

[3771_001.pdf]

CASE NAME: National Seating and Mobility CASE NUMBER: 8-04-0150

On May 19, 2004, Chief Investigator Clifford Johnson received a memo from the Prior Approval Unit and Provider Review Unit which stated that National Seating & Mobility Montgomery, Alabama may be involved in forging delivery tickets, improper billing, instructing clients not to date delivery tickets and holding requests with outdated prescriptions.

On November 28, 2005, I received this case for further investigation.

I contacted Senior Special Agent Gerald G. Shockley and requested a copy of his National Seating & Mobility report. A copy of the file was provided.

On April 6, 2006, I contacted Gerry Rodgers, P.T., P.C.S. at the Alabama Department of Children's Rehabilitation Services (CRS), 2127 East South Blvd., Montgomery, Alabama 36116, phone number 334-288-0220. Mr. Rodgers stated that he was a physical therapist working with children. I then asked who provided their DMB. Mr. Rodgers said that National Seating and Mobility. Mr. Rodgers went on to state that about 97% of their business is with National Seating and Mobility. When asked why all of his business is with one company, he said they provide good service. Mr. Rodgers went on to state that the patient are allowed to choose the company they want. I then asked if he received any gifts or bonuses from National Seating and Mobility, he said no.

On May 2, 2006, I contacted and met with Felecia Barrow former Director of the Prior Approval Unit of the Alabama Medicaid Agency. Ms. Barrow stated that while working with Medicaid she noticed that a large number of claims from National Seating and Mobility were coming in late. Ms. Barrow went on to state this caused National Seating and Mobility to request a large number of extensions. Ms. Barrow further stated that as time went on National Seating and Mobility requested more extensions, and she then began to request a reason for the extension, and found that the conditional approval had expired before Medicaid had received them. This required that the patient be re-evaluated causing further delays. Ms. Barrow further stated that during this time their office was running a few months behind.

To date, I have made several attempts to contact Ms. Elizabeth Horton, 2600 Vaughn Lakes, Apt. 914, Montgomery, Alabama 36117, phone 334-679-7960, both via the telephone and in person at her residence. I also attempted to contact Ms. Horton at her place of employment Hyundai Manufacturing Plant Montgomery, Alabama. I was advised that Ms. Horton was no longer an employee of Hyundai.

On May 5, 2006, I met and interviewed Ms. Horton. Ms. Horton stated that she was a temporary worker for National Seating and Mobility from 03/04 - 06/04. Ms. Horton went on to state that while working at National Seating and Mobility she noticed that paperwork was coming in without a date. Because there was no date you would be unable to know when the patient was seen by Jerry Rodgers or Emily Williams. The reason this was done was because the paperwork needed to be submitted to Medicaid within sixty day or Medicaid would require that the patient be re-evaluated, so they would use the date paperwork was sent to Medicaid. Ms. Horton further stated she advised Emily of the problem and was told to use the date paperwork was sent to Medicaid. Ms. Horton was

[3771_001.pdf]

shown a list of names of which she identified 23 she remembered from her employment with National Seating and Mobility. Ms. Horton went on to state that she was not saying that there's a problem with these names, just that she remembered them. When asked about other issues such as delivery tickets and signatures, Ms. Horton spoke of infractions, but was unable to provide any specific information regarding any particular recipient. Ms. Horton agreed to meet again, but despite numerous attempts she did not keep any of the arranged appointments.

On May 8, 2006, I contacted Ms. Chaseley Everage, former employee of National Seating and Mobility. Ms. Everage despite several attempts, refused to cooperate with this investigation and would not return call nor set up a meeting.

On May 15, 2006, I compiled a list of the names identified by Ms. Horton. These names were faxed to National Seating and Mobility, CRS Montgomery and CRS Dothan, and copies of these records during 2004 & 2005 were requested.

On May 18, 2006, I met and interviewed Ms. Susan H. Gilley, District Supervisor, CRS, Dothan, Alabama. Ms. Gilley advised that there office only had two (2) records from that time frame. Ms. Gilley then turned over the records of

A review of these records revealed no signs of
and
any criminal activity or wrong doing.

On May 19, 2006, I received copies of the records requested from CRS Montgomery. A review of the following 14 records revealed no signs of any criminal activity or wrong doing.

I contacted the following families; all stated that they received their equipment National Seating and Mobility:

[3771_001.pdf]

On May 23, 2006, I received copies of the requested files from National Seating and Mobility.

On June 1, 2006, I met with Ms. Emily Williams, ATS, CRTS of National Seating & Mobility, 646 Oliver Road, Montgomery, Alabama and Tim Maddox, National Seating & Mobility, Inc., 377 Riverside Drive, Suite 300, Franklin, TN 37064-5393 and reviewed the requested files. A review of these records revealed no signs of any criminal activity or wrong doing.

At no time did this investigation reveal any signs of criminal or wrong doing. I request that this case be closed.

PLAINTIFF'S
EXHIBIT

National Seating & Mobility 10/01/2003 - 12/31/2004

Full Recipient Name	Recipient Base	ICN	Detail First Date	Procedure Code	Description	Performing Prov	Dtl Paid Amount
ALEXANDER, APRIL N	51	0504247202035	5/6/2004	E1220	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	009814350	\$4,464.80
ALEXANDER, TABRELL S	51	0504328201509	9/27/2004	E1399		009814350	\$334.15
AMOR, ZACHARY	51	0504245205286	8/4/2004	E1220	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	009814350	\$4,550.40
AUSTIN, OCTAVIOUS D	57	0504041214169	10/31/2003	E1399		009814350	\$100.61
AUSTIN, OCTAVIOUS D	57	0504364226098	10/28/2004	E1399	DURABLE MEDICAL EQUIPMENT, MISCELLANEOUS	009814350	\$131.84
BAILES, TYLER B	35	0505038222813	11/4/2004	E1220	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	009814350	\$4,958.40
BAILEY, TIARA M	51	0504070223257	2/16/2004	E1220	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	009814350	\$4,496.00
BAKER, KRISTAL L	51	0504231249767	7/29/2004	E1220	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	009814350	\$3,661.60
BARBER, CODY R	09	0504247201401	5/14/2004	E1399		009814350	\$587.10
BARBER, LASHUNTAN D	51	5004113203014	12/80/2003	Z5439		009814350	\$727.20
BARBER, LASHUNTAN D	51	0504231249765	7/29/2004	E1220	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	009814350	\$2,973.60
BILLINGSLEY, DUSTIN V	11	0503323213076	10/20/2003	Z5439		009814350	\$2,243.20
BILLINGSLEY, DUSTIN V	11	0504343201765	9/10/2004	E1399		009814350	\$494.40
BIVINS, DEMARIUS	24	0505038222814	9/3/2004	E1220	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	009814350	\$5,028.80
BRADLEY, JESSICA L	51	0504225207213	10/29/2004	Z5439	CUSTOMIZED WHEEL CHAIR	009814350	\$427.08
BROOKS, OCTAVIA D	08	0504231261230	6/25/2004	E1220	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	009814350	\$3,892.00
BROOKS, TIMOTHY J	41	0503352201038	10/24/2003	E0630	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	009814350	\$751.00
BROOKS, TIMOTHY J	41	0504159221140	10/24/2003	Z5439		009814350	\$866.80
BRYANT, LAKEVEYA T	55	0505038222812	10/29/2004	E1220	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	009814350	\$7,975.35
BRYANT, LATONDRA N	51	0504352200286	11/15/2004	E1220	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	009814350	\$1,749.60
BURNETTE, ELIZABETH D	51	0504226200559	8/3/2004	E1220	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	009814350	\$4,509.00
BURRELL, MARCUS M	66	0504139232263	10/80/2003	Z5439		009814350	\$4,347.20
BURRELL, MARCUS M	66	0504230200627	7/9/2004	E1399		009814350	\$351.00
BUTLER, JOEANDREW J	51	0504231249763	8/6/2004	E1220	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	009814350	\$424.80
CALDWELL, DEQUARIQUS J	51	0504364226100	10/11/2004	E1399		009814350	\$1,231.20
CALDWELL, JACOB W	51	5004113203015	12/12/2003	Z5439		009814350	\$870.00
CALDWELL, JASON W	51	0504132208825	12/12/2003	Z5439		009814350	\$941.20
CANNON, LEKESHA L	26	0504034219426	11/6/2003	Z5439	CUSTOMIZED WHEEL CHAIR	009814350	\$482.76

Horton v. Williams - 0045

CARTER, JEREMY D	24	7/29/2004	E1398		0504234201104	009814350	\$1,248.00
CHAMBERS, VICTORIA B	51	10/24/2003	Z5439		0503336210789	009814350	\$3,878.40
CHAMBERS, VICTORIA B	51	12/12/2003	E1399		0504015204924	009814350	\$1,376.40
CHAUERS, JOSHUA T	24	3/8/2004	E1220	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	0504321210163	009814350	\$4,568.80
CLACK, DONNA N	41	10/1/2004	E1220	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	0504309200903	009814350	\$4,868.80
CLARK, DRYDEN A	57	10/1/2004	E1220	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	0504309200901	009814350	\$2,096.00
COLE, NADINE	35	12/31/2003	K0014		0504139227495	009814350	\$7,767.61
CONNER, MIRANDA L	18	12/24/2003	Z5439		0504140228276	009814350	\$1,334.40
COOKS, RICARDO O	23	12/28/2004	E1220		0505027201127	009814350	\$4,943.20
COOK, TYLER D	23	8/26/2004	E1220	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	0504259200043	009814350	\$5,103.60
COPELAND, RONALD A	26	4/1/2004	E1399		0504146203461	009814350	\$311.86
CORSAW, ANGELA G	26	12/31/2003	E1240		0504124209806	009814350	\$1,012.40
CUBA, LOLA S	57	11/21/2003	Z5439		0504013213354	009814350	\$7,767.35
DASHER, JOSHUA A	62	1/22/2004	E1220		0504132210752	009814350	\$2,317.00
DAVIS, DAVID W	23	10/21/2004	E1220	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	0505038223331	009814350	\$1,756.80
DAVIS, JORDAN C	55	12/21/2004	E1220	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	0505055213415	009814350	\$5,088.00
DAVIS, TAMEKA D	35	12/11/2003	Z5439	CUSTOMIZED WHEEL CHAIR	5004113203018	009814350	\$2,621.60
DEARDEN, KIMBERLY N	07	8/4/2004	E1220	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	0504232235982	009814350	\$5,213.60
DEARDEN, KIMBERLY N	07	9/8/2004	E1399		0504273201060	009814350	\$440.40
DEBRUNNER, KATHERINE N	41	12/12/2003	E1399		0504015204925	009814350	\$1,186.60
DEBRUNNER, KATHERINE N	41	8/27/2004	E1220	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	0504267200063	009814350	\$4,658.40
DEMOS, JEROME L	58	2/9/2004	E1220	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	9804155233043	009814350	\$303.20
DENNIS, JUSTIN T	62	4/6/2004	E1220	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	0504153204055	009814350	\$7,724.87
DIX, CANDACE L	41	8/23/2004	E1220	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	0504287201066	009814350	\$4,899.60
DOMINGUEZ, GISELLA M	51	2/17/2004	E1220		0504100232028	009814350	\$2,168.00
DOTSON, MARY J	23	4/6/2004	K0014	OTHER MOTORIZED/POWER WHEELCHAIR BASE	0505027222668	009814350	\$4,563.11
DUDLEY, ISHMAL K	51	12/9/2003	Z5439	CUSTOMIZED WHEEL CHAIR	0504009212166	009814350	\$3,652.80
DULKIEWICZ, JONATHAN M	03	8/6/2004	E1220	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	9805038276033	009814350	\$86.48
EBERHARDT, KATRINA K	51	8/26/2004	E1220	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	0504352200266	009814350	\$3,419.20
EDWARDS, VASHAWN D	24	12/31/2003	Z5439		0504345214379	009814350	\$4,205.60
FARROW, KEVONTE D	41	3/16/2004	E1220	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	0504113207221	009814350	\$2,088.00
FEARS, KENYA L	57	11/14/2003	Z5439		0504009212188	009814350	\$4,326.40
FLOURNOY, SHANAE A	16	9/29/2004	E1220	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	0504309200902	009814350	\$1,463.20

FRAZIER, MELVIN L	41	1/6/2004	E0110	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	0504029203625	009814350	\$56.00
GIBSON, FORREST E	51	8/16/2004	E1220	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	0504247200599	009814350	\$4,695.20
GREENE, KYLE D	62	10/1/2004	E1220	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	0505004238528	009814350	\$2,575.20
HARPER, JESSICA M	23	11/5/2003	Z5439		9804022236022	009814350	\$2,860.00
HARRIS, LAJESSA D	41	12/30/2003	E1399		0504153208051	009814350	\$228.90
HATCHER, CORNELIUS O	24	10/2/2003	K0004		9804126029009	009814350	\$4.85
HAYES, ARIEL Z	51	5/10/2004	E1220	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	0504253222706	009814350	\$217.57
HAYES, CURT AZARIU T	51	4/22/2004	E1220	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	0504132221090	009814350	\$3,230.40
HIGGINS, MARCUS A	35	5/6/2004	E1399		0504247203069	009814350	\$1,374.84
HIGGINS, MARCUS A	35	8/5/2004	E1220	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	0504231248768	009814350	\$4,501.60
HIGHTOWER, MICHAEL C	51	8/25/2004	E1220	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	0504267201088	009814350	\$4,988.60
HILL, BRANDON M	51	1/23/2004	E1399		0504107211815	009814350	\$376.27
HILL, LISA C	51	7/29/2004	E1220	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	0504231251233	009814350	\$4,742.40
HILL, SABRINA N	51	11/13/2003	Z5439		5004097201004	009814350	\$4,000.80
HILL, TRAVIS L	01	8/2/2004	E1220	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	0504231251231	009814350	\$2,700.00
HILL, TRAVIS L	62	4/10/2004	E1220	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	0504139235010	009814350	\$441.80
HILL, TRAVIS L	62	7/9/2004	E1220	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	0506004237117	009814350	\$2,427.40
HINES, EMMANUEL J	56	10/17/2004	E1220	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	0504309201646	009814350	\$2,162.40
HOVEY, JOHN M	28	10/8/2004	E1220	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	0504335201426	009814350	\$8,792.81
HOVEY, JOHN M	35	10/8/2004	E1399		0504339210495	009814350	\$376.27
HUGHES, SHIANNE M	35	7/21/2004	E1220	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	0504247203085	009814350	\$3,312.80
IVERSON, MORRIS O	35	12/10/2003	Z5439		0504139226532	009814350	\$2,968.40
IVEY, ERIKA E	56	11/14/2003	Z5439		0504009208194	009814350	\$1,946.40
JERKINS, WILLIAM D	35	9/29/2004	E1220	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	0504352204023	009814350	\$11,881.01
JERKINS, WILLIAM D	35	12/4/2004	E1399		0505032200126	009814350	\$525.55
JOHNSON, EDWARD D	51	5/11/2004	E1399		9805006235046	009814350	\$124.17
JOHNSON, GREGORY T	24	11/5/2004	E1220	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	0504364223677	009814350	\$2,513.60
JOHNSON, GREGORY T	24	11/5/2004	E1899		0504364223675	009814350	\$292.03
JOHNSON, JAMES D	55	5/13/2004	E1220	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	0504247200597	009814350	\$3,088.80
JOHNSON, REBECCA M	35	10/30/2003	Z5439		0504020208700	009814350	\$1,035.87
JOHNSON, TIFFANY A	51	8/30/2004	E1220	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	0504279201267	009814350	\$502.28
JOINER, SHAWN G	35	11/5/2003	Z5439		5004119203011	009814350	\$4,495.75
JONES, DEANDRE L	57	11/19/2004	E1220	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	0504356201516	009814350	\$4,546.40

JONES, DOMINIQUE B	51	12/8/2003	E1399		0504015211252	008814350	\$384.70
JONES, DYLAN K	23	2/4/2004	E1399		0504041213183	008814350	\$231.90
JONES, KENJI G	09	12/12/2003	Z5439		5004113203019	008814350	\$359.20
JONES, KENJI G	09	8/6/2004	E1220	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	0504234201102	008814350	\$8,080.96
JONES, QUINTON E	51	8/26/2004	E1220	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	0504364226101	008814350	\$2,456.40
JORDAN, MARIEL A	41	12/8/2003	E1399	DURABLE MEDICAL EQUIPMENT, MISCELLANEOUS	0504016211251	008814350	\$460.40
LANE, CRYSTAL G	34	3/22/2004	E1220	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	0504141222161	008814350	\$1,587.79
LEDBETTER, EMILY P	62	5/17/2004	E1220	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	0504247200393	008814350	\$4,652.00
LEWIS, JEFFERY	24	8/9/2004	E1399		0504234200102	008814350	\$1,248.00
LOCKHART, CLARENCE M	41	10/3/2003	Z5439		0503323208183	008814350	\$1,232.00
LOWERY, JEREMY T	16	8/10/2004	E1220	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	0504234200101	008814350	\$18,285.84
MACK, GERMANICE S	51	5/27/2004	E1220	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	0504247200604	008814350	\$4,476.80
MADDEN, NIGEL E	41	12/29/2003	Z5439		5004113203002	008814350	\$4,411.20
MADDOX, JESSICA N	31	3/8/2004	E1399		0504139230423	008814350	\$433.77
MADDOX, JESSICA N	31	7/15/2004	E1220	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	0504239201075	008814350	\$8,637.66
MARLOWE, KIMBERLY E	51	7/28/2004	E1220	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	0504230201550	008814350	\$4,643.20
MATTHEWS, HILLARY I	51	5/6/2004	E1220	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	0504247201406	008814350	\$4,757.60
MCCBRIDE, MATTHEW W	51	10/2/2003	Z5439	CUSTOMIZED WHEEL CHAIR	0504076205466	008814350	\$483.25
MCCORMACK, MICHAEL J	26	5/12/2004	E1220	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	0504247202037	008814350	\$2,060.00
MCCURDY, BRITNEY L	51	8/4/2004	E1220	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	0504234200100	008814350	\$2,794.60
MCGUIRE, MAGGIE N	51	7/8/2004	E1220	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	0504230200628	008814350	\$9,565.73
MCLEAN, ERICA N	01	3/10/2004	E1399		0504116207127	008814350	\$978.12
MCLENDON, ASHTON B	23	8/6/2004	E1220	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	9805038276031	008814350	\$2,347.60
MCLEOD, SHERITA M	23	12/29/2004	E1220		0505027201128	008814350	\$5,762.16
MCNULTAN, SHOOTER A	41	7/8/2004	E1220		9804246240037	008814350	\$2,168.00
MILLS, DONALD W	16	10/15/2004	E1220	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	0504310208132	008814350	\$1,576.00
MITCHELL, ANTORIO T	37	12/31/2003	E1399	DURABLE MEDICAL EQUIPMENT, MISCELLANEOUS	0504009208321	008814350	\$250.00
MITCHELL, ANTORIO T	37	5/26/2004	E1220	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	0504247202034	008814350	\$4,416.80
MITCHELL, BRYSON T	16	5/13/2004	E1220	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	0504247200598	008814350	\$4,513.60
MITCHUM, DARYL R	43	11/5/2003	E1399		0504051219108	008814350	\$184.78
MORRIS, JEFFERY W	44	11/14/2003	Z5439		0504009208319	008814350	\$2,026.40
NEAL, CAMBRE L	51	12/31/2004	E1399		0505038223330	008814350	\$1,374.84
NEAL, TRUMAINE R	37	7/30/2004	E1220	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	0504230200629	008814350	\$2,343.40

NELSON, CARTER W	51	7/28/2004	E1220	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	0504231249766	009814350	\$5,712.00
NEVIN, TYLER E	24	10/24/2003	Z5439		9804008231015	009814350	\$1,981.60
NICHOLS, WESLEY B	24	12/19/2003	Z5439		0504281202274	009814350	\$195.12
NORRIS, KATRINA A	35	4/1/2004	E1220	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	0504153206026	009814350	\$1,873.60
OSBORNE, CELENA L	26	5/10/2004	E1220	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	0504247203070	009814350	\$4,417.60
OSBORNE, CELENA L	26	5/10/2004	E1399		0505004237116	009814350	\$390.31
OSBORN, TAYLOR M	41	12/19/2003	Z5439		5004113203005	009814350	\$1,283.89
PAGE, BRANDI L	57	2/4/2004	E1220		0504124211629	009814350	\$4,682.80
PARKS, CURTIS A	31	11/24/2003	E1399		0503342216015	009814350	\$68.44
PARKS, MAURICE B	24	10/24/2003	Z5439	CUSTOMIZED WHEEL CHAIR	0503336217224	009814350	\$4,765.20
PARKS, MAURICE B	24	11/13/2004	E1399	DURABLE MEDICAL EQUIPMENT, MISCELLANEOUS	0504132213100	009814350	\$1,185.60
PARRISH, JAMES T	41	5/28/2004	E1220	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	0504247201407	009814350	\$5,183.60
PASLEY, DARRYAN J	51	4/2/2004	E1220	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	0504156221980	009814350	\$438.40
PASLEY, DARRYAN J	51	8/16/2004	E1220	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	0504247202031	009814350	\$589.60
PATTERSON, COREY L	51	10/29/2004	E1220	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	0504364223676	009814350	\$4,668.00
POLLARD, ZANE W	51	1/6/2004	E1220	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	0504071206559	009814350	\$2,303.20
PORTER, TIMOTHY D	55	12/31/2003	E1399		0504007208707	009814350	\$137.56
POSS, COLEMAN H	08	10/1/2004	E1220	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	0505027200248	009814350	\$3,143.20
PROCTOR, BOBBY J	23	12/31/2003	Z5439		5004113203006	009814350	\$8,890.33
PRYOR, LOREN R	51	12/16/2003	Z5439		0504141206702	009814350	\$2,458.40
RAMSEY, CALLIE R	11	9/23/2004	E1220	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	0504309201647	009814350	\$6,577.00
RELF, RONALD E	51	10/21/2003	E0146		9804082265040	009814350	\$59.80
REYNOLDS, CHRISTINA S	55	11/4/2004	E1220	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	0504364226099	009814350	\$4,596.00
SALINAS, JOSE E	35	9/29/2004	E1399		0504364226102	009814350	\$1,374.84
SANDERS, KERSTIN W	43	5/6/2004	E1220	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	9804365257037	009814350	\$522.00
SCOTT, AARON V	35	12/31/2003	Z5439		0504139236012	009814350	\$562.29
SCOTT, JOSEPH G	03	8/27/2004	E1220	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	0504303204070	009814350	\$550.40
SCOTT, JOSEPH G	03	8/30/2004	E1399		0504303202125	009814350	\$525.55
SENN, TARAH M	21	12/27/2003	E1220		9804051264036	009814350	\$356.00
SENN, TARAH M	21	12/30/2003	E1399		9804051264034	009814350	\$472.90
SESSIONS, JAYSON T	55	12/4/2003	Z5439		5004113203004	009814350	\$17,223.11
SETZER, FISHER L	51	1/16/2004	E1399		0504100230303	009814350	\$1,042.80
SHUFORD, DECORRY J	43	12/2/2003	Z5439		5004113203022	009814350	\$4,176.00

SIMS, JASON R	16	7/30/2004	E1220	WHEELCHAIR, SPECIALLY SIZED OR CONSTRUCTED	0504339210494	009814350	\$4,656.80
SIMS, SHAKETHIA L	53	10/20/2004	E1220	WHEELCHAIR, SPECIALLY SIZED OR CONSTRUCTED	0504384223678	009814350	\$1,252.00
SINGLETON, HEATHER L	26	8/11/2004	E1220	WHEELCHAIR, SPECIALLY SIZED OR CONSTRUCTED	0504245201782	009814350	\$3,791.20
SMITH, MICHAEL T	56	7/9/2004	E1220	WHEELCHAIR, SPECIALLY SIZED OR CONSTRUCTED	0504231249764	009814350	\$2,180.00
SMITH, RASHAD H	51	8/2/2004	E1399		0504226201492	009814350	\$1,374.84
SMITH, TRAVIS C	35	9/29/2004	E1220	WHEELCHAIR, SPECIALLY SIZED OR CONSTRUCTED	0504309200900	009814350	\$3,175.20
SMITH, TRAVIS C	35	9/29/2004	E1399		0504309201645	009814350	\$1,185.60
SORRELL, ALLYSON L	51	2/5/2004	E1220	WHEELCHAIR, SPECIALLY SIZED OR CONSTRUCTED	9804355257033	009814350	\$682.60
SPEARS, JARVIS M	35	11/19/2003	Z5439		9804299210040	009814350	\$3,279.40
SPENCER, DEENA M	57	12/12/2003	E0630		0503357209653	009814350	\$751.00
SPENCER, DEENA M	57	12/12/2003	Z5439		5004113203009	009814350	\$7,289.58
STENSLAND, JAMES C	03	7/28/2004	E1220	WHEELCHAIR, SPECIALLY SIZED OR CONSTRUCTED	9804323236036	009814350	\$451.38
STRICKLIN, JEREMY M	51	12/8/2004	E1220	WHEELCHAIR, SPECIALLY SIZED OR CONSTRUCTED	0504366210363	009814350	\$4,760.20
STUDYMIER, SHAYLA M	51	1/17/2004	E1220		9804271276034	009814350	\$476.18
TADAYON, FATEMEH	51	8/16/2004	E1220	WHEELCHAIR, SPECIALLY SIZED OR CONSTRUCTED	0504247201402	009814350	\$408.92
TAYLOR, KEDRICK L	24	10/20/2004	E1220	WHEELCHAIR, SPECIALLY SIZED OR CONSTRUCTED	0504310208133	009814350	\$2,174.40
TEAGUE, DESTINY S	35	8/26/2004	E1399		0504267201067	009814350	\$1,231.20
TELLIS, QUANTRAV L	51	12/30/2003	E1399		0504029209356	009814350	\$235.78
TELLIS, QUANTRAV L	51	12/10/2004	E1220	WHEELCHAIR, SPECIALLY SIZED OR CONSTRUCTED	0505011201065	009814350	\$2,358.40
THOMPSON, JERMAINE D	26	10/5/2004	E1399		0505027200250	009814350	\$1,231.20
TIMMONS, JASON C	51	10/6/2003	Z5439		5004113203010	009814350	\$4,424.00
TOLBERT, JEFFERY J	51	11/13/2003	Z5439		0504013213353	009814350	\$3,327.40
TRUELOVE, ZACHARY K	51	8/16/2004	E1220	WHEELCHAIR, SPECIALLY SIZED OR CONSTRUCTED	0504247203073	009814350	\$5,153.20
TURNER, JASON A	55	10/31/2003	E0146		0504034222111	009814350	\$26.50
WADE, DEAUDRE M	51	7/29/2004	E1220	WHEELCHAIR, SPECIALLY SIZED OR CONSTRUCTED	5204279201342	009814350	\$3,285.36
WALKER, ZARIUS O	51	12/29/2003	Z5439		5004113203007	009814350	\$1,422.40
WASHINGTON, MARQUETTA	51	4/8/2004	E1399	DURABLE MEDICAL EQUIPMENT, MISCELLANEOUS	0504345200802	009814350	\$228.90
WATTS, JEREMY J	51	12/3/2004	E1220	WHEELCHAIR, SPECIALLY SIZED OR CONSTRUCTED	0504358201377	009814350	\$9,811.75
WHITE, JAJIE A	09	1/23/2004	E1220		0504079222324	009814350	\$4,936.00
WHITE, JESSICA L	57	12/12/2003	E1399		0504117203742	009814350	\$531.32
WHITE, JESSICA L	57	12/12/2003	Z5439		5004113203008	009814350	\$4,006.40
WILBURN, MARKEVIOUS V	09	12/24/2003	Z5439		5204133208114	009814350	\$2,332.00
WILLIAMS, ESTRACIA N	34	12/31/2003	Z5439		5004236200011	009814350	\$253.67

WILLIAMS, ESTRACIAN	34	8/26/2004	E1220	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	0504267200054	009814350	\$3,306.40
WILLIAMS, IRVIN C	44	12/12/2003	Z5439		5004113203021	009814350	\$1,134.40
WILLIAMS, JALESSIA L	07	12/19/2003	E1399	DURABLE MEDICAL EQUIPMENT; MISCELLANEOUS	0504174203218	009814350	\$199.45
WILLIAMS, JAMIAS L	51	6/29/2004	E1220	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	9804281234019	009814350	\$451.88
WILLIAMS, JEWEL G	34	8/26/2004	E1220	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	0504267200052	009814350	\$4,504.00
WILLIAMS, KATARRA C	44	4/22/2004	E1220	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	0504132221089	009814350	\$229.00
WILLIAMS, NATEAVEONET	06	12/16/2003	Z5439		0504117208673	009814350	\$2,088.00
WILLIAMS, PAMELA L	55	10/20/2003	Z5439		0503323202982	009814350	\$2,291.20
WILSON, RAVEN E	51	8/11/2004	E1220	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	0504324201695	009814350	\$4,991.20
WILSON, TYLYN C	24	10/24/2003	Z5439		0504029208354	009814350	\$4,098.40
WINSTON, DERRICK T	24	12/31/2003	Z5439	CUSTOMIZED WHEEL CHAIR	0504230201551	009814350	\$4,360.00
WOFFORD, JESSICA D	35	5/13/2004	E1220	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	0504247200603	009814350	\$3,421.60
WOMBLES, MARY C	41	10/21/2003	E0146	FOLDING WALKER, WHEELED, WITH SEAT	0504007208709	009814350	\$148.60
WOOD, EMILY K	41	12/3/2004	E1399		0504139231550	009814350	\$50.09
WORTHINGTON, JOSHUA F	26	12/20/2004	E1220	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	0505092200125	009814350	\$3,549.80
WRIGHT, JEREMIAH D	51	7/22/2004	E1220	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	0504230200630	009814350	\$4,860.40
WYNN, JAVARES M	41	8/9/2004	E1399		0504339210495	009814350	\$1,374.84
WYNN, JAVARES M	41	8/23/2004	E1220	WHEELCHAIR; SPECIALLY SIZED OR CONSTRUCTE	0504267201069	009814350	\$4,556.00
							591,009.14

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ALABAMA MEDICAID AGENCY

February 16, 2005

MEMORANDUM

To: Mary G. McIntyre, M.D., M.P.H.
Medical Director
Office of the Commissioner

From: Felecia S. Barrow, M.P.A.
Associate Director
Prior Approval Unit

Re: Issues with Wheelchair Assessments Received

*02-17-05
Refer to Cliff Johnson
to Clifford Johnson
mtm*

Please find attached examples of wheelchair assessments that have been submitted by National Seating and Mobility - Montgomery, that were missing the clinic dates. Two of the assessments were conducted by Gerry Rodgers, P.T. and one by Michael Maddox, R.P.T., both of Children's Rehab Services.

Teresa Surles, R.N. questioned the assessments and was told (by Gerry Rodgers) to get the dates from Emily, National Seating. I informed Teresa that the clinic dates should be kept at CRS where the assessment was conducted. Teresa, under my direction, contacted CRS to get the clinic date instead of Emily. Jackie (CRS) informed Teresa that the date of the clinic appointment was July 20, 2004. The PA request was submitted in February 2005. A subsequent fax was received from Gerry Rodgers indicating that the assessment was reviewed on 2/15/05 and was "still o.k." I conferred with Teresa and Debbie and thought that we needed updated clinic notes telling us the current condition of the client. On another client, both the physician's note of medical necessity and the P.T. assessment were lacking dates.

Teresa came across another assessment completed by M. Maddox and placed a call to the P.T. to find out why the date was missing. The P.T. replied, "...maybe we're not supposed to do this (pause), but I never put dates on the assessments or the prescriptions because it messes up the vendor"..."like, we're on a time clock..." It is odd that on the assessments that Mr. Maddox has done for other vendors have a date on them, but the ones done for National Seating do not have dates. This was the same information that was reported by former National Seating employee, Elizabeth Horton.

I would like to refer this information to Clifford Johnson, Chief Investigator, Program Integrity Division. If it is too premature at this point, I will wait.

PLAINTIFF'S
EXHIBIT

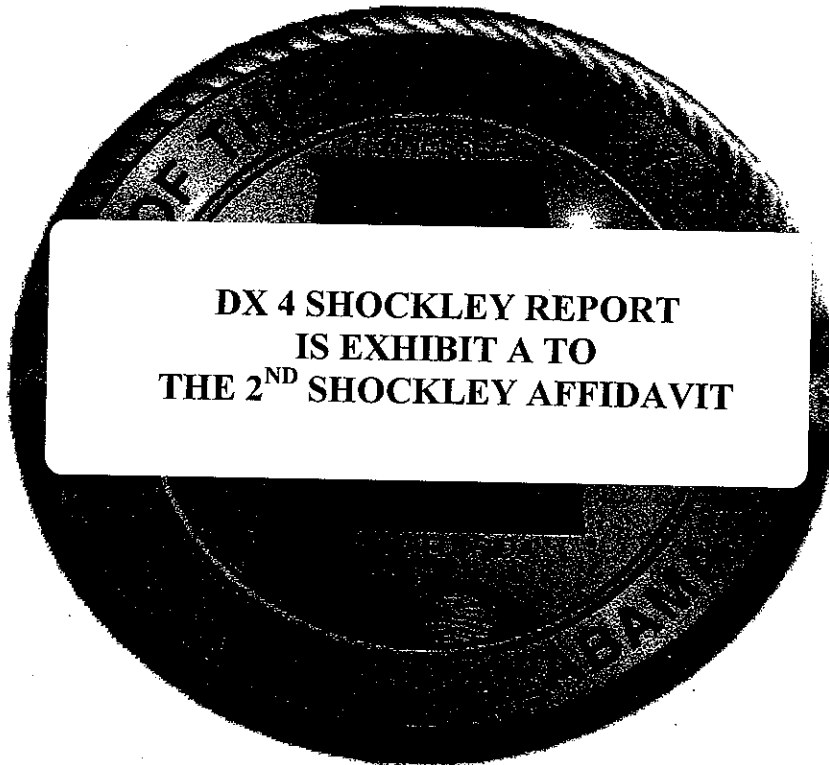
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Horton V. Williams-0014

ALABAMA ATTORNEY GENERAL'S OFFICE
MEDICAID FRAUD DIVISION
INTERVIEW REPORT FORM

August 12, 2005
TRANSCRIPTION DATE

State of Alabama
Office of the Attorney General



Summary Report of Investigation

Elizabeth Horton a.k.a. Beth Walton

August 11, 2005

Prepared By:
Senior Special Agent Gerald G. Shockley

Def EA
williams 2/